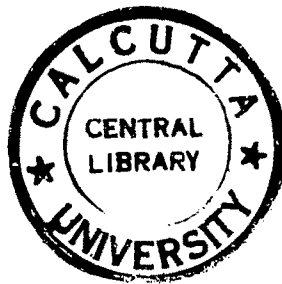


CU-A1978-T1196

Theft and Robbery in Early
Indian Records.

Kali Pada Hore.

SCANNED



Thesis prepared under the supervision
of Dr. D.C.Sircar, Carmichael Professor
and Head of the Department of Ancient
Indian History and Culture, University
of Calcutta and submitted for the
D. Phil (Arts) degree of the
University of Calcutta.

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Preface

Though the activities of thieves and robbers plagued the life of the ancient Indian people and many records offer us accounts thereof, unfortunately no serious attempt has yet been made to make a comprehensive work on theft and robbery, without which no history of our ancient times can be complete.

Apart from satisfying purely academic curiosity, an authentic study of the subject will also help officers of today in their operations against the unsocial elements.

In the present thesis, I have tried to present, as vividly as possible, probably for the first time, a systematic and exhaustive account of ancient Indian thieves and robbers from the earliest times upto about 1000 A.D. They formed the bulk of the criminals, and I have discussed such topics as their training and ways of stealing or robbing, their habitat and organisation, their rules and regulations, the charms and spells they used, qualities of their head and heart, the seamy side of their character and their private life and patron deities. I have also dealt with the protective measures taken against them both by the people and the State, the methods of detecting them by the spies and policemen and their trial, including kinds of torture and punishment, penances, etc., the police organisation and jails. Incidentally, reference has been made to the possible causes of the wide prevalence of theft and robbery and also attempts at the rectification of the culprits.

I have also tried to say something about the manuals on Theft and their authors. If the readers of my work get some idea about the Caurasastra, mentioned in many a work but unfortunately no longer available in a complete form, my labour will be amply rewarded.

(11)

I have also put emphasis on the fact that theft and robbery formed a part of the Kūṭa-yuddha (unfair fight) in ancient India and were adopted to harass the enemies and fill the coffers. The rulers often maintained a brigade of these criminals or gave assistance and protection to them in lieu of a decent share of their spoils. Thus theft and robbery formed an important part of the military system of ancient India.

Though painfully aware of my limitations, I have spared no pains to make my work interesting and useful.

Information has been gathered from the various fields of early Indian literature, from the Vedic downwards, including the canonical and non-canonical literature of the Buddhists and the Jainas, historical and semi-historical works (like the Rājataranginī and Harsacarita), literary works, inscriptions, folktales, foreign accounts, etc.

Inscriptions contain valuable information regarding the implements of thieves, protective measures taken against them by the individuals and village assemblies, delegation of power by the king to the villagers to punish the thieves and robbers drastically when caught, ordeals, punishments, police and protection taxes, privileges of the donees of rent-free holdings to punish thieves, to appropriate the fines extracted and things recovered from them, steps taken by kings to reform the character of these criminals, etc.

Romances and dramas have yielded valuable information. The story literature has been fully utilised.

I have also used the Śaṃmukhakaḷpa, a Tantric work of unknown authorship and date and some other works of the Tantra

literature and quoted some charms and spells traditionally believed to be used by thieves and robbers.

I have received very considerable help from a number of papers written on various aspects of the problems of theft and robbery by scholars like Maurice Bloomfield, D.C.Sircar, R.G.Basak, B.C.Law, U.N. Ghoshal, R.C. Hazra, Chintaharan Chakravarti, and others. P.V.Kane's History of Dharmasāstra has been of immense help for my study.

I must acknowledge my gratitude to Dr. D. C. Sircar, Carmichael Professor and Head of the Department of Ancient Indian History and Culture, Calcutta University, under whose supervision and guidance I have prepared this thesis. I am also thankful to various scholars including Janaki Ballabh Bhattacharya, Pran Ballav Bhattacharya, R.C. Hazra and K. K. Dutta for their advice and suggestions.

I also thank Sri Jamini Ganguli who has ably typed out the pages within a very short time.

CHAPTER I

Introduction

I. Importance of the Subject,

Theft and robbery are two of the major crimes recognised by the society at the earliest stage of human civilization. The recognition of private property lies at the root of the evolution of society. The sanctity of the social organisation is accepted by the people because it guarantees the right to enjoy one's property without obstruction. Thieves and robbers violate this basic right by depriving people of their personal possessions either openly or secretly and thereby strike at the very root of the society. That is why society has always been determined to hunt them down and has conceived of severe punishment for the criminals. Hopkins rightly points out that 'theft or robbery . . . is one of the first crimes recognised as of public importance.'⁽¹⁾ 'Proprietary rights', writes a modern author, 'are recognised by all savage tribes, most of whom condemn or abhor theft while all of them punish it one way or another.'⁽²⁾ In the topics of litigation as given by Āpastamba, Gautama, Manu, Nārada and others,⁽³⁾ Theft and Robbery occupy a prominent place. 'The very origin of the state was traced to the necessity of setting up a suitable machinery for the preservation of private property and the security of private life . . . the Dharmaśāstras, the Arthaśāstras, the Nītiśāstras, the epics, etc., conceive of a state of nature where there was no respect for private life and property.' In order to save themselves from this anarchical situation, the people created the State and its visible symbol, the monarch and the 'first King was charged with the task of making adequate arrangements for their safety in return for

a share of their income.'⁽⁴⁾ The circumstances leading to the creation of the state and king are clearly set forth in the Sāntiparva of the Mahābhārata : 'The wealth of one is snatched away by two, that of those two is snatched away by many acting together. He who is not a slave is made slave. Women, again, are forcibly abducted. For these reasons the gods created kings for protecting the people.'⁽⁵⁾ In that anarchical condition nobody could claim anything as his own.⁽⁶⁾ Existence of any kind of property was impossible. According to the Viṣṇu Purāṇa,⁽⁷⁾ when some sages killed the king Vena, the poor turned thieves and began to loot the property of others. In a kingless state,⁽⁸⁾ the wealthy people were very insecure and primarily to protect them, the state machinery was created.⁽⁹⁾ According to the Purāṇas⁽¹⁰⁾ and Buddhist works,⁽¹¹⁾ the discovery of the art of cultivation which led to the storage of corn and the introduction of the marriage system giving a man full control over a woman or some women led to the creation of the state, ~~because these~~ tempted the poor or indolent to rob the rich, and the mighty to snatch away the wives or sons from the husband or father. We shall discuss later on the various injunctions upon the king to protect his people from thieves and robbers. The intense abhorrence with which theft was viewed by the Indians of old is evidenced by its inclusion in the list of five major crimes or sins entailing capital punishment or severe penance.

2. Definitions of Theft and Robbery

Several law-givers define Theft and Robbery separately, though some⁽¹²⁾ of them include the former within the latter while

the latter is included in the former by a few. (13) Following Kautsa, Hārīta, Kāṇva and Puṣkarasādi, Āpastamba (14) defines a stena as one who covets (and takes) others' property. So stea (theft) may be defined as taking other men's things out of greed. Manu (15) lays down that if something is taken privately in its owner's absence, that is theft. According to him, if a man having received any thing refuses to give it back will also be regarded as a thief. Nārada defines theft as 'deprivation of wealth by various means from people that are asleep, careless or intoxicated.' (16) According to Kauṭilya, (17) fraudulent or indirect seizure of person or property is theft. Whatsoever is taken by a Bhikṣu (monk) from the village or from the wood, anything not given is called theft in the Pātimokkha (Prātimokṣa) (18). Thus all these definitions look upon the stealthy appropriation of others' property without their consent as theft.

Robbery was regarded as a sāhasa, i.e. crime involving violence. Manu (19) says that if the seizure of others' property be violent and in the sight of its owners, it is Robbery. According to Kauṭilya, (20) sudden and direct seizure (of person and property) is termed sāhasa (robbery). Thus by robbery, open and violent seizure of others' goods was meant.

The early law-books (21) do not attempt a scientific classification of punishable offences. Sometime between the earliest Dharmaśāstras and ^{the Smṛiti of} Viṣṇu, all such offences seem to have acquired the generic name of sāhasa. (22) The sāhasas were gradually distinguished from one another not merely by the measure of punishment to be inflicted but by the nature of acts to be penalised. In his list of

the eighteen subjects of litigation, Manu⁽²³⁾ who for the first time classifies the various offences, assigns the thirteenth and fourteenth positions to steṇa (theft) and sāhasa (robbery) respectively. As we have seen, Manu, Nārada and Kauṭilya⁽²⁴⁾ determine Theft and Robbery by the nature of the seizure, i.e. whether it is clandestine or open and violent. Heavier penalty was prescribed for crimes involving violence, and a robber was regarded as a worse sinner than a thief.⁽²⁵⁾ In Sanskrit and many other languages,⁽²⁶⁾ like old Iranian, old Slavonic, old Irish, Gothic, etc., words connoting secrecy are related to the terms for 'thief' and the element of concealment distinguished theft from open robbery.

Maurice Bloomfield points out the difficulty of drawing a line of demarcation between thieves and robbers for their being 'naturally or intrinsically related and also because the texts themselves fail to draw any such lines.'⁽²⁷⁾ In fiction, the generic names for both thief and robber are the same : Caura, Taskara, Malimlu or Malimluca, Dasyu, etc., though sometimes thieves are distinguished from robbers.⁽²⁸⁾ Thieves worship Skanda but the patron deity of robbers is Durgā, to whom they sacrifice men. It is interesting to note that sometimes the robbers also worshipped the god Kārttikeya. Some robber-chiefs in the Kathāsaritsāgara said to their captives, ' . . . do not be terrified. You have arrived here on the eighth day on which we worship Kārttikeya.'⁽²⁹⁾ The only clear distinction between a thief and a robber rests, opines Bloomfield, 'upon the difference between individual and organized efforts. The thief goes alone by night; the robbers operate under chieftains and attack in bands in broad daylight. Robbers live together; thieves' lairs as a

rule, are solitary.'⁽³⁰⁾ Nocturnal robber-raids were, however, very common.⁽³¹⁾

Though often the same word is used to denote thieves and robbers in the Vedic and post-Vedic literature, the Vājasaneyī Saṁhitā⁽³²⁾ distinguishes the stena and taskara from the malimlu by calling the former highwaymen or as the Rgveda puts it, 'men who haunt the woods and risk their lives,' and the latter, a burglar or house-breaker.⁽³³⁾ But the malimlu is also described in the Vājasaneyī Saṁhitā⁽³⁴⁾ as a plunderer of a village in broad daylight. In this connection, it may be pointed out that members of modern criminal tribes resort to thieving or robbery, whichever suits their purpose better, and this indiscriminate choosing of modus operandi might have also characterised their ancestors.⁽³⁵⁾ Words like Paripanthin,⁽³⁶⁾ Musīvan,⁽³⁷⁾ Selaga⁽³⁸⁾ etc., are however, used in the Vedic literature to mean exclusively robbers or highwaymen.

3. Words Denoting Thieves and Robbers,

Several words are found to have been used in the Vedic literature to denote thieves and robbers, though post-Vedic works including folklore confine the number to a few words only. Some of the Vedic words for thieves and robbers are : Aghasāmsa,⁽³⁹⁾ Akhu,⁽⁴⁰⁾ Cora,⁽⁴¹⁾ Takvan,⁽⁴²⁾ Taskara,⁽⁴³⁾ Tāyu,⁽⁴⁴⁾ Dasyu,⁽⁴⁵⁾ Dāsa,⁽⁴⁶⁾ Paṇi,⁽⁴⁷⁾ Paripanthin,⁽⁴⁸⁾ Parimoṣin,⁽⁴⁹⁾ Malimlu or Malimluca,⁽⁵⁰⁾ Musīvan,⁽⁵¹⁾ Musnant,⁽⁵²⁾ Vanargu,⁽⁵³⁾ Vrka,⁽⁵⁴⁾ Selaga,⁽⁵⁵⁾ Sailaga,⁽⁵⁶⁾ Stāyu,⁽⁵⁷⁾ Stena,⁽⁵⁸⁾ Steyakrt,⁽⁵⁹⁾ etc. Aghasāmsa. Sāyana,⁽⁶⁰⁾ on the authority of Yaska, takes this word

to signify 'a thief.' Akhu. According to Pischel,⁽⁶¹⁾ this word means 'a thief'; but this interpretation is not accepted by Hillebrandt.

Cora. The use of the root, cur (to steal) and the words Caura and Cora (Thief) are not found in the Vedic works except in the late Taittiriya Aranyaka.⁽⁶²⁾ In the post-Vedic records, however, this word was frequently used. Takvan. It is generally explained as a 'bird' or 'a beast'.⁽⁶³⁾ But Hazra⁽⁶⁴⁾ shows that Sayana^{^ explains} regards it as a taskara^{^ or} and a stena.

Takvan is also used as a synonym for the stena in the Nighantu. A detector or a pursuer of a takvan 'used to cry aloud for others' help as it was difficult to capture him alone.'⁽⁶⁵⁾ The takvan was also very harmful to the sacrificers.⁽⁶⁶⁾

Taskara. It denotes 'a thief' or 'robber'. But as indicated already, this word is often used to mean highwaymen. The Taskaras were violent and desperate marauders who infested the highways, gathered knowledge of the movements and possessions of travellers and robbed them.⁽⁶⁷⁾ They used to bind their victims with ropes.⁽⁶⁸⁾ It may also be argued⁽⁶⁹⁾ that the ropes were used to bind the robbers themselves when captured. These dangerous outlaws bore arms and came in a body on horse-back to plunder the cattle of the villagers.⁽⁷⁰⁾ The fierceness of the taskaras is indicated by their being mentioned along with the snakes, bears, wolves and tigers which made the paths dangerous at night.⁽⁷¹⁾ In one passage of the Rgveda,⁽⁷²⁾ the dog is told to bark at the taskara or the stena. This points, in the opinion of Macdonell and Keith,⁽⁷³⁾ to an attempt at house-breaking by the taskara.

Sāyana and Mahīdhara, ⁽⁷⁴⁾ however, regard the taskara as a Pratyakṣa-dhanāpahārī or Pratyakṣa-cora who escaped after hitting travellers on the way in a forest.

Tāyu. A tāyu was 'perhaps of a less distinguished and more domestic character than the highwaymen.' ⁽⁷⁵⁾ Hazra ⁽⁷⁶⁾ regards the tāyu as a quick-footed petty thief, less harmful than the other species. He would steal clothes, cattle and the like and was active at night only. Timid by nature, he disappeared at the coming of the dawn, avoided the sight of men and hid himself in caves. ⁽⁷⁷⁾ The tāyu is also alluded to as a debtor who was forced to steal for fear of losing his liberty as a result of his inability to pay up his debts. ⁽⁷⁸⁾ The useless shout of the enemies after the quick-footed god Dadhikrā is compared with the shout of the pursuers of a tāyu or the piteous cry of the birds 'at a hungry hawk pouncing upon his prey.' ⁽⁷⁹⁾ Dadhikrā's comparison with a tāyu and a hungry hawk pouncing upon his prey indirectly shows that a tāyu could be dangerous to his pursuers. ⁽⁸⁰⁾

Dasyu, Dāsa and Pani : Probably these words are used to mean hostile ~~Non-Aryans~~ ^{Non-Aryans} who often kidnapped the Aryan sacrificers and stole the cattle, gold, etc., of the Aryans. ⁽⁸¹⁾ Indra ⁽⁸²⁾ and Soma ⁽⁸³⁾ frequently rescued them from their captivity and also recovered their stolen articles. ⁽⁸⁴⁾ The Aryans too, whenever they found an opportunity, took by force the cattle and other valuables of the dasyus, dāsas and panis. ⁽⁸⁵⁾ Dasyu and dāsa also meant subjugated slaves. In spite of a possible allegorical significance of the term, pani, it cannot be gainsaid that fight for the possession of cattle between the Aryans and ~~Non-Aryans~~ ^{Non-Aryans} was a very common event in the early Vedic age. A modern scholar ⁽⁸⁶⁾ surmises that the

dasas and dasyus were Aryan tribes mostly belonging to the low and degraded classes and their notoriety as cattle-lifters earned them the bitterest hatred of the Aryan communities. (87) According to this writer, the panis while trading in the interior, used to deceive the simple villagers and sometimes stole their cattle. Paripanthin, a highway robber. Armed with deadly weapons, the Paripanthin robbed travellers by waylaying them and escaped forthwith. (88) A paripanthin followed a bride's car to rob its occupants. (89)

Parimosin, 'a thief,' Malimlu or Malimluca, a house-breaker or robber. According to the commentator Mahidhara, (90) this means a burglar. Hazra calls the malimlu 'the most daring and dangerous robber of the Vedic age.' (91) He plundered villages in broad daylight in the presence of the villagers. (92) Agni is 'asked to chew malimlus with his two tusks (i.e. canine teeth which are meant for the hardest and the most dangerous bite), the taskaras with his (front) teeth (which are used for less severe bites), and the stenas with his jaws.' (93) Thus the malimlu was the most dangerous enemy of the people. Sāyana (94) calls him atiprakatacora (quite open robber) who fearlessly plundered a village and made its people captives. Musivan. A musivan (robber) intercepted travellers on the way and lured them to their doom. (95) Yaska equates him with the malimluca. Musnant, a stealer. Vanargu, 'probably 'a forest-haunting savage or robber.' (97)

Vrka. According to Macdonell and Keith, (98) it means 'a wolf.' But Sāyana (99) interprets it as 'a thief'. It is derived from the root, Vrk ^{meaning 'to take away.'} Vrka was therefore a stealer of men's wealth. It is a synonym for stena in the Nighantu. (100) The word, Vrkatī derived

from Vrka is also explained by some as a robber-people or robber.⁽¹⁰¹⁾ With a view to robbing the travellers without any trouble, the Vrka⁽¹⁰²⁾ showed them the wrong path or took their lives by waylaying them.⁽¹⁰³⁾ Sometimes a gang of Vrkas robbed the travellers by attacking them on the way.⁽¹⁰⁴⁾ Selaga, a robber. Sailaga (also spelt Sailaga), a robber who was offered as a victim at the purusamedha sacrifice.

Stāyu. Macdonell and Keith⁽¹⁰⁵⁾ take this word to signify 'a pickpocket'. Hazra⁽¹⁰⁶⁾ equates a stāyu with the tāyu. According to Mahīdhara, the stāyus are secret stealers 'who committed theft at day time or night, but being the victims' own men, could not be found out.'⁽¹⁰⁷⁾

Stena, a thief. Macdonell and Keith⁽¹⁰⁸⁾ take it to be practically synonymous with taskara but in the opinion of Hazra,⁽¹⁰⁹⁾ different kinds of thieves are meant by taskara and stena as these are sometimes used side by side in the same verse. As he⁽¹¹⁰⁾ points out, while commenting on the Taittiriya Samhita and Vajasaneyi Samhita respectively, Sayana and Mahīdhara describe the stenas as secret stealers (gupta cora) and the taskaras as open robbers (prakata cora). Sayana⁽¹¹¹⁾ also describes the stena as pracchanna dhanāpahariṇ. According to Mahīdhara, the stenas 'carried away others' property at night by digging holes into their houses'.⁽¹¹²⁾ The Rgveda⁽¹¹³⁾ and Vajasaneyi Samhita,⁽¹¹⁴⁾ however, describe the stenas as highwaymen and forest-robbers respectively. The stenas appeared at night like ferocious beasts and never hesitated to wou^{ld} their victims.⁽¹¹⁵⁾ They made the people quite helpless under their power.⁽¹¹⁶⁾ Steyakrt, a thief. The steyakrt did much harm to the sacrificers' person and stole the horses and cattle of other people.⁽¹¹⁷⁾

Mention is also made in the later Vedic literature of the Kirāta,⁽¹¹⁸⁾ Nisāda,⁽¹¹⁹⁾ Pulida,⁽¹²⁰⁾ Sābara,⁽¹²¹⁾ Andhra,⁽¹²²⁾ Mutiba,⁽¹²³⁾ and Pundra,⁽¹²⁴⁾ some of whom earned notoriety as criminal tribes in later ages.⁽¹²⁵⁾

The most common words denoting thieves and robbers in the Dharmasūtras, Grhyasūtras, epics, Smṛtis, Purāṇas, Kauṭilya's Arthasāstra, the classical Sanskrit works as well as Buddhist and Jaina literature and also in inscriptions are Caura or Cora,⁽¹²⁶⁾ Mosaka,⁽¹²⁷⁾ Dasyu,⁽¹²⁸⁾ Taskara,⁽¹²⁹⁾ Stena,⁽¹³⁰⁾ Steyi,⁽¹³¹⁾ Apahāri,⁽¹³²⁾ etc. Besides these, some peculiar words were used to denote thieves and robbers :

Aikagārika, 'a thief who waits for an opportunity to enter a house when lonely.'⁽¹³³⁾

Bandigrāha,⁽¹³⁴⁾ robbers who keep rich men confined to exact ransom.

Caṅṭha,⁽¹³⁵⁾ robber.

Cārabhata,⁽¹³⁶⁾ marauder.

Granthibhedaka or Gandabhedaka,⁽¹³⁷⁾ knot-cutter, modern pick-pocket.

Kudaggāha,⁽¹³⁸⁾ cattle-lifter.

Kumbhiraka, 'One who breaks into a house' or 'one sallying forth secretly like an alligator.'⁽¹³⁹⁾

Lūsaka,⁽¹⁴⁰⁾ pilferer.

Pātaccara, a thief who 'moves about by breaking open walls'.⁽¹⁴¹⁾

Mānava,⁽¹⁴²⁾ an evilman, or a criminal, 'particularly a decoit or robber'. This word may also mean youth of criminal tendency.

Sandhicchedaka,⁽¹⁴³⁾ house-breaker.

Tirthaghāta, 'who lift articles at sacred places on festive occasions.' (144)

Urdhvakara, (145) one who enters a house by boring a hole in the roof. This word means, according to Meyer, a pick-pocket. "The basic idea may well be that of ~~a~~ lifting up things 'with a raised hand.'"

Some other words will be discussed later on.

The following words were generally used to mean Theft, robbery, etc., in the Vedic and post-Vedic records : gavistī, (146) gavayā, (147) parimosa, (148) steya, (149) dhātī, (150) luntāka, (151) cauryya, apaharana, etc. Stolen goods were called loptrā, (152) mosa or musita or musta, (153) rūpa, (154) udha, (155) etc.

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'Cauraikāgārikastenadasyutaskaramosakāh ityamerah.'
134. See ^{the} Vīramitrodaya on Yājñavalkya, II. 273.
135. Upamitibhava Prapañcākathā, (Bibliotheca Indica Series),
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146. It probably means 'cattle raid'. Macdonell and Keith, op.cit.,
Vol. I, p.223.
147. This word also means 'Cattle raid.' Macdonell and Keith,
loc.cit.
148. It seems to denote 'theft'. See the Taittiriya Samhitā, II.
5. 5. 1.
149. It meant 'theft'. See the Artharvaveda, XI. 8. 20; Pāṇini,
V. 1. 125, etc.

150. Prakṛt dhādī. It denotes 'brigand-raid.' See the Mallinātha-carita, VII. 437, etc.
151. It means 'robbery'; Pāṇini, III. 2. 155.
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CHAPTER II,

The Science of Stealing,

I. The Steya-Sāstra or The Manual of Theft,

According to Bloomfield,⁽¹⁾ Sanskrit literature recognises unmistakable tradition regarding a manual of Thievery, called Cora-sāstra, Caura-darsana, Steya-Sāstra, Steya-Sūtra, etc. The Sanmukhakalpa,⁽²⁾ and other works⁽³⁾ refer to this sāstra and particularly in the Mṛcchakatika, Sanmukhakalpa and Atharvaveda-parīśista⁽⁴⁾ we probably have a few paragraphs from works on this science. Now, who could compose such works on steya? As the composition of such a work required first-hand knowledge of the science and art of Theft as well as profound learning, it might have been produced by a learned thief, eager to help his fellow-traders or the members of his family regarding the successful operation of their vocation. The love for classification and schematism might have induced some scholars to write books on Theft based on the experiences of master-thieves and their own personal observations. The princes and sons of well-to-do men in ancient India had to learn among other arts and sciences, Theft and Robbery with all seriousness probably from veteran thieves and robbers. Sometimes Kings engaged expert thieves to teach them thievery.⁽⁵⁾ The secret army of a king often included formidable fighters trained in the art of robbing.⁽⁶⁾ As theft and robbery had thus some practical utility to rulers and people of high position, some manuals on the subject might have been composed under their patronage.^(6a)

Fortunately for us, a few names of the authors of the steya-sāstra are mentioned in early Indian literature. According

to the Brhatkathā,⁽⁷⁾ Karnīsuta also known as Karātaka was one of the propounders of the steṃya-sāstra having Vipula and Ācala, as his friends and Sasa as his adviser. He was a Kṣatriya. Apaharavarman in the Daśakumāra-carita⁽⁸⁾ decided to tread the path of thievery as indicated by Karnīsuta. Hearing Apaharavarman's exploit, his friend, Rājavāhana says by way of a compliment that the former has even surpassed Karnīsuta in strength of mind.⁽⁹⁾ In the lexicon entitled Haravali,⁽¹⁰⁾ Karnīsuta is identified with Mūladeva and said to be the father of the Science of Thieving. According to the Tamil Silappadikāram⁽¹¹⁾ of the Sangama age, Mūladeva wrote a treatise on Theft. Bloomfield⁽¹²⁾ identifies this Mūladeva or Mūlabhadra, the arch-thief of Indian fiction, with Karnīsuta, Gonikāputra, Goniputraka, Goniputra, Gonikāsuta and Kālāṅkura. Haribhadra Sūri⁽¹³⁾ calls him Mūlasrī and describes him as a tricky rogue. A resident of Pāṭaliputra, Mūladeva was probably a courtesan's son, a master of all the Kalās (arts) and an author of treatises on the steṃya-sāstra, Kāmasūtra, etc.⁽¹⁴⁾ This highly accomplished steṃya-sāstra pravartaka (First writer of a manual on Theft) frequented brothels, gambled away even his clothes, taught trickery to others, encouraged illicit love, used magic pills to effect changes in sex and appearance and was an adept in the use of cipher. A lover of adventure, a ~~good controversialist~~, a brilliant narrator, an expert in massage and toilet, he was a special favourite of ladies. He was cultured, intelligent, kind, grateful and wise. He had a large number of followers and was held in high esteem by thieves.⁽¹⁵⁾ The thief Sajjalaka in the Carudatta⁽¹⁶⁾ bows to Kharapaṭa who is described as the composer

of a manual on Theft in the Mattavilāsaprahasana.⁽¹⁷⁾ While being ready for committing burglary in the house of Cārudatta, Śarvilaka bowed to Kumārakārttikeya, Kanakasakti, Bhāskaranandin and Yogācārya.⁽¹⁸⁾ Skanda, though generally known as the patron-deity of thieves, was, according to some,⁽¹⁹⁾ the human propounder of the steya-sāstra. Skanda was also known as Kanakasakti. Śarvilaka in the Mrcchakatika⁽²⁰⁾ says that the blessed Kanakasakti has prescribed four Varieties of breach. This probably alludes to a book ascribed to the god or to a celebrated author of steyasāstra of that name. Bhāskaranandin and Yogācārya were probably authors of manuals on Theft or just famous teachers of that Science.

As no work on the steya-sāstra is now available, we have to reconstruct it as far as possible from the stories of theft and robbery and incidental references to thieves' practices in ancient Indian literature. At the time of making a breach in the wall, Śarvilaka says :

'But where shall I make the breach ?

Where is the spot which falling drops decayed ?

For each betraying sound is deadened there.

No yawning breach should in the walls be made,

So treatises on robbery declare.

Where does the palace crumble ? Where the place

That niter (nitre)-eaten bricks false soundness wear ?

Where shall I 'scape the sight of woman's face ?

Fulfilment of my wishes waits me there.'⁽²¹⁾

He again says: 'The blessed Bearer of the Golden Lance (Kanakasakti) has prescribed four varieties of breach, thus : if the bricks are baked, pull them out; if they are unbaked, cut them;

if they are made of earth, wet them; if they are made of wood, split them.⁽²²⁾ About the shapes of breaches he says :

'Now what shall be the shape I give the breach ?

A "lotus", "cistern", "crescent moon", or "sun" ?

"Oblong", or "cross", or "bulging pot" ? for each

The treatises permit.'⁽²³⁾

These paragraphs and Śarvilaka's description of a sleeping man,⁽²⁴⁾ the utility of the sacred cord,⁽²⁵⁾ magic powder⁽²⁶⁾ and his own superb qualities and principles befitting a master-thief⁽²⁷⁾ probably echo some verses of the manuals on theft. Thieves' implements mentioned in the Mrcchakatika⁽²⁸⁾ and Dasakumāracarita⁽²⁹⁾ must have been recommended by the works on steṇa. In the Mahilā-mukha Jātaka some thieves expound what seems to be a paragraph of such a manual : 'This is the way to tunnel into a house; this is the way to break in through the walls; before carrying off the plunder, the tunnel or breach in the walls ought to be made as clear and open as a road or a ford. In lifting the goods, you should not stick at murder; for thus there will be none able to resist. A burglar should get rid of all goodness and virtue and be quite pitiless, a man of cruelty and violence.'⁽³⁰⁾ The following passage also smacks of the steṇa-sāstra : 'He must make no noise. He who goes burgling must not be afflicted with cough.'⁽³¹⁾ Charms and spells for attaining invisibility, breaking locks and doors, making others asleep, transfixing men, probably forming a chapter of the steṇa-sāstra are described in detail in the Artha-sāstra of Kautilya, Sanmukha-kalpa, works on Tantra, Buddhist and Jaina works and folktales. Such a sāstra must have also contained

lengthy discussions on the Caura-saṁjñā (thieves' signal),⁽³²⁾ thieves' language,⁽³³⁾ their dress and disguise. In the Pārsva-nātha caritra,⁽³⁴⁾ Prince Varasena gained the confidence of some thieves by making the thieves' signal and took away their booty. In Hemaviṣaya's Kathāratnākara,⁽³⁵⁾ King Vikrama gained the confidence of four thieves by giving the thieves' signal. In the Tamil version of the Vetālapañcaviṁśati,⁽³⁶⁾ a thief about to be arrested by a King called the assistance of his accomplices in thieves' language. Mūladeva was, as already pointed out, an adept in cipher.⁽³⁷⁾ According to a Kashmirian folk tale,⁽³⁸⁾ a thief wrote a letter in a cipher code. The Skandayāga or Dhūrtakalpa chapter of the Atharvavedāpariśiṣṭa elaborately describes the ritual of Skanda-worship and its efficacy.

2. Teachers and Students of the Steya-sastra

In ancient India, the aim of education was to enable a man to prove himself equal to all situations by teaching him all the arts⁽³⁹⁾ and sciences including Theft and Robbery and as pointed out before, princes as well as the sons of the cultured rich used to learn those subjects from expert teachers. The art or science of Theft besides satisfying man's adventurous spirit⁽⁴⁰⁾ also taught him how to enter into the enemy's palace and also to get to his beloved.⁽⁴⁰⁾ ~~As already indicated, a king used to train his spies and envoys in theft and robbery by engaging master-thieves for that purpose.~~ The sons of thieves were almost invariably trained by expert thieves or by their fathers.⁽⁴¹⁾

The guru-siṣya relationship has always been very cordial in India, the relation between the teachers and pupils of the steya-

sāstra being no exception to it. Śarvilaka in the Mṛcchakatika ⁽⁴²⁾ reverentially remembers the name of his teacher before committing burglary and gratefully acknowledges the latter's gift of a magic ointment to him. He is also very proud of his teacher's affection for him. Thieves sitting around their teacher used to receive 'regular instruction in their art'. ⁽⁴³⁾ Prince Candrāpīda learnt among others, tunnel-making (surāṅgo/pabheda), magic (indrajāla), incantations (mantraprayoga), all kinds of signals (sarvasamjñā), languages (sarvabhāṣā), scripts (sarvalipi), arts of jumping over walls (laṅghana), ascending walls or upper storeys of houses (or the art of mounting horses, etc.) (ārohana), crossing river (tarana) and ejecting poison (Viśapaharana). ⁽⁴⁴⁾ Prince Rājavāhana and his companions were taught all kinds of scripts and languages, incantations, medical science, all arts of deception and thievery, use of arms and weapons, etc. by the masters of those arts and sciences. ⁽⁴⁵⁾ Ambitious thieves had to master all these subjects. Prince Vikramāditya learnt magic from magicians and thievery from thieves. ⁽⁴⁶⁾ In the introduction to Nirmalaśrāvaka's Pāṇcatantra, ⁽⁴⁷⁾ we come across licentious princes practising stealing. In a story, ⁽⁴⁸⁾ a king confesses that he used to steal while he was the crown-prince. It may be presumed that all of them were trained by veterans. Once a king decided to engage a master-thief as his tutor to teach him thievery so perfectly as to enable him to judge the cases of theft more efficiently. ⁽⁴⁹⁾ He had a notorious thief brought before him for that purpose, but to his surprise, that thief persisted in saying that he was innocent of that art and bitterly complained of false accusation. The confused King dismissed him only to find that his signet-ring was missing. The

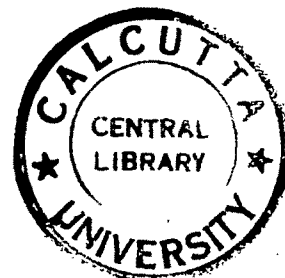
thief was atonce brought before him and in spite of his denial of the charge of theft, was ordered to be impaled. The King, curious to hear his dying confession, went to the place of execution at dead of night and to his utter astonishment, heard him pleading his innocence and praying to god to punish the king for his gross injustice. Being now thoroughly convinced of the thief's innocence, the King set him free. Next day, the thief came to the King, gave back the ring and confessed that he had stolen it to prove his marvellous skill in thieving. When asked to explain his utterances at dead of night in the lonely execution-ground, he said that once a thief told a lie, he should stick to it even at the cost of the heaviest punishment and by his behaviour, he was only giving the first lesson in the art of stealing to his royal pupil. A thief's son, Sukumāra, learnt from his father's teacher the whole art of stealing called taskaramārga.⁽⁵⁰⁾ Rauhineya was trained in thievery by his own father. He learnt that art by which 'one's voice is exchanged for any (other creature's voice)'. He could mount any tree and cross the Ganges. He also learnt all sorts of magic art perfectly.⁽⁵¹⁾ The wife of Mūladeva must have engaged a thief to teach her son thievery with perfection for the boy succeeded in robbing the cot under his sleeping father who was also an arch-thief.⁽⁵²⁾ A queen of Kashmir neglected by her husband engaged a clever and experienced thief to teach her son all the tricks of theft so that he could create consternation in his father's kingdom by committing daring burglaries.⁽⁵³⁾

On seeing a hole in the wall of his friend's house, Maitreya says: 'This hole must have been made by one of two men, either by a stranger, or else for practice by a student of the science of robbery'.⁽⁵⁴⁾ This clearly shows that apprentice thieves had to give from time to time practical demonstration of their skill. We have an interesting story⁽⁵⁵⁾ which illustrates the method of testing the skill of the pupils by their teachers. Once two thieves (who may be described as the first and second) sent their sons to the school of a famous professor of roguery. After the completion of training, the professor, in order to test the skill of his pupils, declared that anyone who would be able to steal from the middle of the thatch roof of a dilapidated hut a big gourd which was constantly watched by the house-holder and his wife would be pronounced the ²dux of the school. It was a very risky job, for the thatch was so worn out that even the movement of a mouse on it dropped bits of straw inside the hut thus awakening the inmates who slept right below the gourd. As none ventured to take up this challenge, the son of the first thief agreed to try. He took with him a string, a cat and a knife and went up to the gourd stealthily. When the inmates woke up and started talking, he averted their suspicion by squeezing the throat of the cat which kept on mewling. Fastening the string to the stem of the gourd, he cut it and hurled the cat on the ground with a thud. The cat gave a sharp cry and the inmates began to talk loudly. Taking advantage of this hubbub, the boy-thief brought down the gourd gently with the help of the string and came down safely. Although it satisfied his teacher, his father decided to subject him to a more rigorous test. He asked him to prove his proficiency by stealing the necklace from the queen's neck

The boy agreed and before undertaking the dangerous job collected all the necessary information about the palace, its guards and also the habits of the queen and her maids. Clad in black clothes, he started one dark night for the palace with a sword, a hammer and some nails carefully concealed within his dress. He timed his movement through each of the four gates leading to the inner chamber precisely when new guards came to relieve the old ones, thus being able to escape unnoticed by the guards. While standing before the outer wall of the queen's bed chamber, he drove the nails into the wall against the sound of the chinese gong which was then being ^ustuck to mark the hour. Using the nails as steps, he reached the top of the wall, surveyed the room and seeing the queen asleep and a maid telling a story drowsily, entered the bed-room through an opening, killed the maid, recited the story for a few minutes and then dressed himself in her clothes. He then made a bundle of his own linens, gently took off the necklace from the queen's neck and came out of the palace without arousing the least suspicion in the minds of the palace-guards. This time he was praised by his father. The king being informed of the daring theft was determined to punish the thief. At his order, his men placed two bags of gold mohurs on the back of a camel and asked the driver to make a proclamation challenging the thief to steal those bags. The boy-thief in the guise of an ascetic sat on a tiger's skin before a fire and invited the camel-driver to smoke gāṅḡā (hemp) mixed with intoxicating drugs. The driver gladly swallowed the bait and soon fell asleep. The thief, at a suitable time drove the camel to a lonely place near his house, killed it and buried the

treasure and the carcass. The enraged king declared an attractive reward for catching the thief. Then the son of the second thief decided to show his skill by catching his class-mate red-handed. In the guise of a woman, he went from door to door crying piteously and begging some camel's flesh as it was prescribed by the doctors for the recovery of her dying son. This melted the heart of his class-mate's wife who gave him some camel's flesh. He at once informed the king of his discovery and soon the buried carcass of the camel was dug out along with the bags of gold mohurs. The king had then both the thieves buried alive.

Young thieves often showed more wisdom than their teachers or masters. Thus a boy-thief⁽⁵⁶⁾ advised his master to enter a room through a hole legs first instead of head first as the latter contrivance might lead to the recognition of the entrant by the vigilant inmates.⁽⁵⁶⁾ Another young apprentice charmed his master by his swindlery and clever lying.⁽⁵⁷⁾ Bloomfield points out that Patañjali's Mahāyāsa^{bh} 'tells of thieves so clever that they steal ointment off eyes.'⁽⁵⁸⁾ In folk/tales, often a prince or a nobleman gets such an excellent training in theft that he can steal a crow's egg without the hatching crow's knowledge and restore it in the same way.⁽⁵⁹⁾ Mūladeva's son, as pointed out before, stole his father's bedstead under him after letting him down on a heap of cotton without disturbing his sleep. Another young thief stole two tinkling bells from the feet of his father without his knowledge though he was an expert thief.⁽⁶⁰⁾



(61)
Bloomfield also points out that the teachers in India including those of the steya-sāstra have a way of presenting to devoted pupils at the end of their college-career some useful charm (vidyā) as a sort of viaticum for their success in life.

Pleased with Sarvilaka, his teacher gave him, as pointed out earlier, a magic ointment which when applied to a person's body rendered it invisible to the watchmen and immune to sword-cut. A teacher, ⁽⁶²⁾ Skandarudra by name presented his pupil Candarudra, with a magic pill which, when applied to the eyes made one invisible to all. ⁽⁶³⁾ Another teacher presented to his favourite pupil a lock-breaking charm. ⁽⁶⁴⁾ In Haribhadra's Samarāiccakahā, ⁽⁶⁵⁾ Nārāyaṇa received from his teacher two charms, the first enabling him to fly through the air and the other to open locks.

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5. Bloomfield, op.cit., ^{Vol. XLIV,} pp. 216ff.
6. R.C.Hazra, 'Kautilya Studies' in Our Heritage, Vol. XI, ^{Part II,} p.88.
7. Kadambari, ed. Haridas Siddhantavagisa, p.63:
Karnisutah Karatakah Steyasāstra-pravartakah /
Tasya Khayata^u sakhaya^u dvan^u vipula-Acala-samjñitan^u /
Sasomantrivarastasya, etc., ascribed to the Brhatkatha.
'Karnisutah Karatakah Steyasāstrasya Karakah' iti Vaijayanti.
 According to the Avasyaka Niryukti of the Jainas, Kandarika was also a companion of Muladeva. ^{See} Bloomfield in Proceedings of the American Philosophical society, Vol. LII, pp. 616ff.
8. Desakumaracarita, pub. V. Ramaswamy Sastrula and Sons., p.94.
9. Ibid., p.127.
10. Bloomfield in AJP, op.cit., p.98. See S.N. Dasgupta and S.K. De, Hist. of Sanskrit Literature, Vol. I, p. 250.
11. V.R.Ramacandra Dikshitar, Studies in Tamil Literature, p.76.

6a. Such names were possibly composed to make people clever and cunning. See Chin Lai Hsien 'Chakravarti' (Cores Pāncāli) in Satitya Parvata Patika, No. 4, 1945
 D.S., Calcutta.

12. M.Bloomfield in Proceedings of the American Philosophical Society, Vol.LII, pp. 61⁶ff.; Louis H.Gray, Subandhu's Vāsavadattā, p.87. Karnīsuto Mūladevo Mūlabhadrah Kalāṅkuraḥ/iti Hāravali/ Kasakkudi plates of the Pallava Emperor Nandivarman Pallavamalla refers to Karnīsuta as a master of
13. Dhūrtākhyāna, I. ^{the Kalās}.
14. Uttarādhyayanacūṛṇi, IV. According to some, Mūladeva hailed from Ujjain. See A.R. Sarasvati in The Quarterly Journal of the Mythic Society, Vol. XIV, 1923, pp. 29ff.
15. M. Bloomfield, op.cit., pp. 616ff.
16. Cārudatta, ed. C.R. Devadhar, p.30.
17. namah Kharapatāyeti vaktā vyam^{na}ya corasāstram prāṇitam / quoted by M. Bloomfield in AJP, op.cit., p.100. According to Bloomfield, this passage means 'Adoration to Kharapata' must be exclaimed by him who has composed a thieves' compendium. He thinks that Kharapata is scarcely an author but rather a divinity.' The author of the Sanmukhakalpa, which may be regarded as a part of a manual on Theft (as it deals with the magic science that can be profitably used by thieves and robbers) pays homage to Sanmukhakumara. We have, however, taken Kharapata as the author of a manual on Theft. ^{See} Herzel, On the Literature of the Shvetambaras of Gujarat (Leipzig, 1922), p.1. Mūladeva is also identified with Karavata (probably Kharapata and Mūladeva, the killer of Sumitra (a Sūriga King). See A. R. Sarasvati in The Quarterly Journal of the Mythic Society, Vol. XIV, 1923, pp. 29ff.
18. Mrcchakatika, pub. Nirnayasagara Press, p.84.:

Namo Varadāya Kumārakārttikeyāya,

namah Kanakasāktaye Brahmanyadevāya Devavratāya,

namo Bhāskaranandine, namo yogācāryāya . . .

'Some think that Kanakasakti, Bhāskaranandin and Yogācārya are three writers on, and the teachers of, the art of thieving'.

According to others Kārttikeya himself is meant by those names. See M.R.Kale, Mrcchakatika, 1962, Bombay, p.66.

19. R.G.Basak, 'Indian Society as Pictured in the Mrcchakatika' in IHQ, Vol. V, pp. 312ff.
20. Mrcchakatika, op.cit., Act III, p.84.
21. Mrcchakatika (III. 12), trans. Ryder, p.47. The original verse is :
Kesah ko nu jalāvasekaśīthilo yasminna śabdo bhavet -
dbhittinām ca na darśanāntaragataḥ sandhiḥ karālo bhavet /
Kṣārakṣīnatēya ca loṣṭakakṛśaṁ jīrṇaṁ kva harṁyaṁ bhavet
tkasminstri janadarśanaṁ ca na bhavetsyādarthaśiddhiścame //
22. Mrcchakatika, Act III, pub. Nirṇayaśāṣṭrā Press, p. 84 :
Iḥa khalu bhagavatā kanakaśaktinā caturvidhaḥ
sandhyupāyo darśitaḥ / Tadyathā - Pakveṣṭakānām
Karṣanām, meṣṭakānām cchedanām, pindaṁyānām secanām,
Kāṣṭhamayānām pētanamiti //
23. Mrcchakatika, III. 13. See Ryder, op.cit., p.47. The original verse is :
Padmavyākosaṁ bhāskaraṁ Bālecandraṁ Vāpi Vistīrṇaṁ
svastikaṁ pūrṇakumbhaṁ.
24. Mrcchakatika, III. 18 :
Niḥśvāso'sya na sāṅkitāḥ suviśeḍastulyāntarāṁ vartate
Dr̥ṣṭirgādhanimīlita na vikalā nābhyantaḥ / cañcala /
Gātraṁ srastaśarīrasandhiśīthilāṁ sayyāpramāṇādhikāṁ
Dīpaṁ cāpi na mārsayedabhimukhaṁ syāllakṣyasuptaṁ yadi //
25. Ibid., III. 16 :
Etēna māpayati bhittisu karmamārgamētena mocayati
bhūṣaṇaśaṁ/prayogaṁ /
Udghāṭako bhavati yantradr̥ḍhe kapāte Dastasya Kīṭabhuja-
gaih pariveṣṭanaṁ ca //

26. Ibid., III. 15 : About Yogarocana or magic powder :

Anayā hi samēlabdham na mām drakṣyanti rakṣinah
Sastram ca patitam gātre rūjam notpādayiṣyati.

27. Mṛcchakatika, III. 20 :

Mārjārah Kramanemrgah prasarane syeno grahālūncane
Suptāsupṭamanuṣyavīryatulane śvā sarpane pannagah /
Māyā rūpaśarīravesāracane vāgdesābhāṣāntare
Dīpo rātrisu saṁketeṣu dudubho vājī sthale naurjale //
Apica /
Bhujaga iva gataḥ girih sthira^utvā^e patagapateḥ parisarpane
ca tulyah /
Sasa iva bhuva^{va}nā^elokane^e haṁ vrka iva ca grahane bala^e
ca simhaḥ //

In Bhasa's Cārudatta, we find the following verse (III.11) :

Mārjārah plavane vrko^e pasarane syeno grhālokane
Nidra^e suptamanuṣyavīryatulane saṁsarpane pannagah /
Māyā varnaśarīrabhedak^arane vāg^adesābhāṣāntare
Dīpo rātrisu saṁkete^e ca timiram^e vāyuh^e sthale naurjale //

Mṛcchakatika, IV 3 :

Parijanakethāsaktah Kas^ecinnarah samupeksitah
Kvacidapi grham nār^eenātham nirikṣya vivarjitam /
Narapatibale pārs^evayāte sthitam grhadārū^avayavasita-
satairevamprāyairnisā divasikṛtā // See the Cārudatta, IV.6.

Mṛcchakatika, Ibid., IV. 6 :

No muṣṇāmyabalām vibhūṣanavatīm phullāmivāham latām
Viprasvaṁ na harāmi kāñcanamatho yajñārthamabhyuddhṛtam /
Dhātṛyutsaṅga^egetam harāmi na^e lathā^e bālām dhanārthī kvac^e-
tkāryākāryavicārini^e mama matiscāuryepi nityam sthita //

28. Mrcchakatika, trans. Ryder, pp. 47ff.
29. Dasakumāracarita, op.cit., p.95.
30. The Jātaka, ed. Cowell, Vol. I, No.26; M.Bloomfield, op.cit., Vol. XLIV, p. 99.
31. M.Bloomfield, op.cit., pp. 117ff., Pañcatentra, trans. Ryder, p. 384.
32. M. Bloomfield, op.cit., pp. 99ff.
33. Kathās, op.cit., Vol. VII, Appendix, p. 216.
34. M. Bloomfield, op.cit., pp. 99ff.
35. Ibid., pp. 99ff.
36. Kathās., loc.cit.
37. M. Bloomfield, in Proceedings of the American Philosophical Society, Vol. LII, pp. 61⁶ff.
38. S.L. Sadhu, Folk Tales from Kashmir, pp. 81ff.
39. The arts are generally known to be sixty-four but sometimes seventy-two kaṭās including theft are mentioned in literature. See Chintaharan Chakravarti's 'Two New Lists of Kaṭās' in IHQ, Vol. VIII, pp. 542 ff. and Venkate Subbiah, 'The Literature of the Kalās' in JRAS, (1914), pp. M.Bloomfield in Proceedings of The American Philosophical Society, Vol. LII, pp. 616ff.
40. Bloomfield in AJP, Vol. XLIV, p.104 writes: 'The practice was evidently quite congenial to the Hindu bean^u or macaroni . . . At the bottom of all this, doubtless represents little more than young scapegraces' sporadic inclination, to wildness and romanticism.' Kautilya's advice (I.18) to the prince who escapes from his father's prison to earn his livelihood by robbing ~~and~~ merchants after drugging them probably shows a

40. (contd. from pre-page)

practical application of the art of thieving. See ^{^ The} Dasakumāracarita, op.cit., pp. 168ff. and ^{^ the} Caura Pāncāsikā. [^]

41. The sons of a modern Indian criminal tribe, the Aheriyas learn to steal at an early age without any formal training.

See W. Crooke, ^{^ The} Tribes and Castes of the North-Western Provinces and Oudh, Vol. I, p.47.

42. Mṛcchakatika, trans. Ryder, p.48.

43. M. Bloomfield, ^{^ Vol. XLIV,} op.cit., p.99.

44. Kādambarī, op.cit., p.263. Prince Candrapīḍa also learnt sakunirutājñāna i.e. he could interpret the sound made by birds.

A robber-chief in the Pāncatantra could understand the meaning expressed by birds in their songs. See Ryder, ^{^ The Pāncatantra,} ~~trans.~~ pp. 172.

Keuṭilya (XIII. I) also refers to the interpretation of mṛgapakṣivāhāra (utterances of animals and birds). Dasakumāracarita, ed. Kēle, trans., p. 26.

45. Dasakumāracarita, ^{^ pub. Rāmaswamy,} op.cit., p.27.

sakalalīpijñānam nikhiladeśīyabhāṣapāṇḍityam

manimantrausadhādimāyāprapañcacañcutvam

mātāngaturāṅgādivāhanārōhanapātavam vividhāyudhaprayoga-

canatvam cauryadurodarādikapatekalāpraudhatvam ca

tattadācāryebhyaḥ samyaglabdhvā, etc.

According to a Nellore inscription, magic (ghuṭika) was also taught as a science. ^{^ see} Radha Kumud Mookerji, Local Government in Ancient India, p. 282.

46. M. Bloomfield in AJP, Vol. XLIV, p. 104.

47. Loc. cit.

48. Loc.cit.

49. Bloomfield, ^{^ Vol. XLIV,} op.cit., pp. 216ff.
50. Ibid., pp. 98ff.
51. ^{^ trans. H.M. Johnson,} ~~H.M. Johnson~~, [^] Rāṣṭhineya Caritra, op.cit., pp. 168ff.
52. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 98.
53. S.L. Sedhu, Folk Tales from Kashmir, pp. 90ff.
54. Ryder, Mṛcchakatika, p. 52.
55. Lal Behari Dey, Folk Tales of Bengal, pp. 171ff.
56. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 118.
57. Ibid., p. 203.
58. Mahābhāṣya, V.3.66; Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 216.
59. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 104.
60. Ibid., p. 203.
61. Ibid., p. 101.
62. Loc.cit.
- ~~63.~~
- 63.64. Loc.cit.
- 64.65. Samarāṅgacakra, ed. Jacobi, Vol. I, 4th Bhava.

CHAPTER III

Types of Thieves and Robbers

Thieves are said to be either prakāśa (open or patent) or aprakāśa (secret).⁽¹⁾ These two classes of thieves are again subdivided into numerous groups according to their skill and mode of cheating.⁽²⁾ The secret thieves are said to be those who move about with tools for house-breaking without being observed and whose residence is not known.⁽³⁾ They are classified⁽⁴⁾ as follows: (1) those who quietly relieve a man of his money when he is attending to something else; (2) house-breakers, (3) highway-robbers, (4) cut-purses, and (5) kidnappers of women, men, cattle, horses and other animals. According to Manu,⁽⁵⁾ concealed thieves are they who steal and rob in the forests and such other secret places. Persons who disturb a sacrificial performance are also regarded as Concealed thieves by Nārada.⁽⁶⁾ In the Buddhist literature,⁽⁷⁾ the cora is distinguished from an ordinary thief. The coras are classified thus : (1) Sandhichedaka (burglars), (2) Gāmaghātacora (plunderers of villages), (3) Panthe-ghātacora (highway robbers), (4) Pesanakacora (message-senders), and (5) Atavi-cora (criminal tribes living in forests). The last four definitely mean robbers, generally known as prakata-cora or pratyaksa-dhanāpahārin. In the Jaina canons⁽⁸⁾ various types of thieves are mentioned: (1) Amosa (thieves), (2) Lomahara (robbers), (3) Ganṭhibheya (cut-purses) and (4) Takkaras or Knot-cutters), (4) Takkaras (burglars). The Panhāvāgarana Tika⁽⁹⁾ refers to seven types of robbers and eighteen ways of encouraging robbery. Kautilya⁽¹⁰⁾ refers to a class of robbers called the Pratirodhaka. These⁽¹¹⁾ used to operate at night, hide in forests, make assaults on

persons, plunder the rich and take away large amounts of panas.

According to Bloomfield,⁽¹⁰⁾ the Pasyatohara was a secret thief.

Among other Secret Thieves, we may name⁽¹¹⁾ Udyānamosaka (park-thieves), (2) Tunnel-thieves⁽¹²⁾ (thieves who entered into a house by digging tunnels), (3) Thieves who killed persons for ornaments, etc. (4) Amateur Thieves and (5) Apprentice Thieves.

The robbers, generally included in the list of the Secret Thieves may be broadly classified under the following heads :

(1) Ordinary robbers, (2) Desert-Robbers, (3) Forest-Robbers, (4) Pirates and (5) State-Robbers. Another class of robbers⁽¹³⁾

living on the borders of Kingdoms harried border-villages and were known as paccantavāsīnīcorā (border robbers). They were probably low-class people like the candālas or wild tribes.

According to Bloomfield,⁽¹⁴⁾ the paśyatohara thieves reached the acme of the thieving art. He says that they could rob a person without being observed while he looked on. Stealing of the collyrium off eyes imperceptibly has already been referred to.

Bloomfield also points out that the paśyatohara thieves may mean daring robbers who take away things from a man who can do nothing except looking on helplessly. It is possible, however, that, by

paśyat^ohara, the open thieves like the goldsmiths are meant. The park-thieves infested the parks of towns. Some such thieves used to roam in the parks of Śrāvastī and, whenever they came upon a sleeping man, kicked him and, if he would get up, asked him to go out, but if he still remained asleep, they robbed him and escaped.⁽¹⁵⁾ Thieves and sometimes well-to-do people murdered

children and women to rob their jewels. Thus in the Nāyā-dhammakahā, the robber^s, Vijaya spirited the young son of a

merchant away to a dense forest, took his ornaments, killed him, threw the corpse into a ~~ruined~~ well, concealed himself in an intricate thicket of creepers and spent the whole day there in a ⁽¹⁶⁾ silence without any movement. ⁽¹⁶⁾ In the Sulasā Jātaka, ⁽¹⁷⁾ a certain thief coveted the jewels of the maid-servant of Anātha-piṇḍaka and with the design of killing her began to talk to her, and gave her fish, flesh and strong drink. As she went to him one day, he asked her to follow him to a more private place with a view to killing her unobserved by anybody. In a Buddhist tale, ⁽¹⁸⁾ four youngmen after enjoying a prostitute decided to kill her and rob her ornaments as well as the money given her by them as her fees. Cārudatta in the Mṛcchakatika ⁽¹⁹⁾ was accused of killing a courtesan and robbing her ornaments. Thieves did not hesitate even to murder their rich wives to take away their jewelleries. ⁽²⁰⁾ As for the amateur thieves, ⁽²¹⁾ youngmen probably broke into others' houses for sheer bravado or for money to meet the expenses of their amusements or for illicit love. The young sons of thieves and their boy-assistants fall in the category of apprentice thieves ⁽²²⁾ who often accompanied their fathers, teachers or masters to assist them in their secret business, or committed theft or burglary alone, to learn the art, or just to demonstrate their skill to their teachers or parents. It is interesting to note that sometimes thieves were hired by interested persons to achieve their ends. This mercenary character of the thieves is evidenced by a Buddhist tale in which five hundred Naked Ascetics engaged some wandering thieves ⁽²³⁾ to murder their rival, a Buddhist monk and gave them one thousand pieces as their wages. A prostitute had the ring of a merchant

stolen by some thieves.⁽²⁴⁾ According to a folk-tale,⁽²⁵⁾ a man employed an efficient thief to rob his cousin. According to a Jātaka tale,⁽²⁶⁾ hired brigands harassed the borders of Sāvattthi. They were probably engaged by a neighbouring enemy to weaken Sāvattthi.

Bloomfield⁽²⁷⁾ says that in the words dhakka, thakka, takka, tāka, thaka (Hindu terms for a despised people, tribe, caste or guild), and sthaga (cunning, sly, fraudulent, dishonest), sthagikā (a thieving courtesan), 'we have . . . the precursors in Hindu literature of the Thugs or Phansigars, even though stinginess and roguery, rather than murderousness are their characteristics. The 'Dhakka Brāhmaṇa' mentioned in one of Devendra's stories, means, according to Bloomfield, the 'Brāhmaṇa of the Thugs.' According to Hornle,⁽²⁸⁾ Pali 'Cora-ghātaka' is equivalent to the modern 'thug'. Alberuni⁽²⁹⁾ has referred to the desert-thieves as plundering a caravan in a desert. The 'degradations of the Hurs in the desert of Sind and Baluchistan persist even to-day.'⁽³⁰⁾

The forest-robbers (atavīcora, vanacora),⁽³¹⁾ according to D.C.Sircar, were 'either the forest-fold^K or outsiders who made the forest the field of their nefarious activities'.⁽³²⁾ ~~Ratnākara~~ Vālmiki and Angulimāle are classical examples of the fierce robbers of the forest. There are some evidence, in Sircar's opinion to show that 'often the forest-fold^K were habitually criminal and lived on robbery.'⁽³³⁾ Their raids were known as atavī-saṅkopa.⁽³⁴⁾ The Vindhya Range and other jungly areas were the habitats of these marauders.⁽³⁵⁾ The Jātaka stories⁽³⁶⁾ mention robber-villages (cora-grāma). According to Alberuni,⁽³⁷⁾ the Kirātās and Pulindas

were mountaineers^e and hunters of the plains respectively and were robbers by profession. These robbers lived under chieftains called Pallisa who 'frequently rose to the plane of rich and powerful kings.'⁽³⁸⁾ Generally robber-gangs armed with deadly weapons fell upon travellers and caravans passing through forests and sometimes also raised^d villages and devastated them ruthlessly, burning houses and kidnapping men, women and children indiscriminately. According to Bloomfield, 'Women and loot are their objects, the men they generally kill but sometimes sell as slaves'.⁽³⁹⁾ In Rock Edict XIII, Asoka hints at the depredations of the forest-folk^k thus : 'And the forest-folk (atavi) who live in the dominions of the Beloved of the Gods (i.e. Asoka) even then he entreats and exhorts [in regard to their duty]. It is [hereby] explained to them^{1/hat} in spite of his repentance, the Beloved of Gods possesses power [enough to punish them for their crimes] so that they should turn [from evil ways] and would not be killed [for their crimes]'.⁽⁴⁰⁾ According to Kautilya,⁽⁴¹⁾ these criminal tribes living in forests used to attack villages or caravan-sarais. They were numerous and brave, ready to fight in broad daylight, seized and destroyed countries like kings and publicly plundered property and killed people. The depredations of the forest robbers have been referred to in many works.⁽⁴²⁾ The Abhiras, a criminal tribe forcibly carried away the beautiful Yadava women from the custody of Arjuna while he was leading them through a forest.⁽⁴³⁾ According to the Vedabbha-Jataka,⁽⁴⁴⁾ the road connecting the Varanasi and Cedi countries ran through a forest infested by at least two gangs of five hundred robbers who made the life and property of the travellers very unsafe. The Takka-Jataka⁽⁴⁵⁾ mentions a

border-village of Vārāṇasī which was harried by robbers from the mountains who forcibly carried away all the villagers with their belongings to their dens. According to the teacher of Kauṭilya, ⁽⁴⁶⁾ the Ātavikas lived in the border-forests. Possibly they were the paccantavāsinacorā (border-robbers harassing the border-villages) of the Jātaka tales. The Chinese pilgrim, Hiu-en-Tsang ⁽⁴⁷⁾ who visited India in the Seventh Century A.D. was robbed by a gang of fifty robbers near Sākala, modern Sialkot in the Punjab in a big forest of palāsa trees. A tale in the Kathāsaritsāgara ⁽⁴⁸⁾ relates how Samudrasena's caravan was plundered by a powerful host of bandits in a wood at night.

A kind of forest-robbers called the Presanaka-cora ⁽⁴⁹⁾ (despatcher-thieves) used to despatch one of every two captives they made, to fetch ransom. If they captured a father and a son, they ^{asked} told the father to go for the ransom to free his son; if they caught a mother and her daughter, they sent the mother ~~for~~ ^{to} bring the money and if they captured a teacher and his student, they sent the student ^{for} ~~to bring~~ the ransom. A father and his son being asked by the 'despatcher-thieves' as to how they stood to one another, replied with a view to saving their lives and money that they were not related to each other. ⁽⁵⁰⁾ Some Sabaras ⁽⁵¹⁾ abducted people to extort money from their relatives.

An important kind of robbers was the pirates haunting high seas and infesting coastal areas, especially the Western coast of India. It is generally believed that long before Alexander's invasion of India, Indian pirates inhabiting the coast-towns of Sind sailed in their keels in the high seas

plundering and sinking ships and carrying fire and sword into the countries they visited.⁽⁵²⁾ According to Strabo and Arrian,⁽⁵³⁾ the Persians made the Tigris entirely unnavigable by hindering its course with numerous stones in order to protect their cities from the piratical attacks of the Indians. It was Alexander who removed these stones 'for the ^{improvement} furtherance of commercial intercourse'.⁽⁵⁴⁾ 'That the Persians built no city of any note upon the sea-coast was due to this dread of Indian pirates'.⁽⁵⁵⁾ According to Pliny,⁽⁵⁶⁾ companies of archers were carried on board merchant ships sailing out to the Tamil land because the Indian seas were infested with pirates. While speaking about Muziris, an important emporium in the Cera territory, he states that, 'it is not a desirable place of call, pirates being in the neighbourhood who occupy a place called Nitrias'.⁽⁵⁷⁾ The author of the Periplus of the Erythraean Sea writes about the prevalence of piracy along the Malabar sea-board. According to him, 'After Kalliena other local marts occur . . . You come next to the islands called sesecreienae^e and the island of the Aigidioi and that of the Kaeneitae near what is called the Chersonesus, places in which are pirates'.⁽⁵⁸⁾ Ptolemy in his Geography describes the Konk^a coast 'extending from the neighbourhood of Simylla to an emporium called Nitra as Ariake^e Andron Peiraton, i.e. Ariake of the pirates'.⁽⁵⁹⁾ The numerous creeks and rocky islands in the Western coast of Malabar 'afforded . . . secure harbourage to the cruisers of the Konk^{?c} pirates'.⁽⁶⁰⁾ Marco Polo^o⁽⁶¹⁾ has elaborately described their modus operandi.

Even after Alexander's invasion, the Indian Vikings of the Indus basin continued piracy as a means of their livelihood for many centuries and at the time of Alberuni,⁽⁶²⁾ they were known

as the Bawārij (living near Cutch and Somnath) as they committed robberies on sea in vessels called bīra. *No ship was stationed to guard the Western coastal belt which was ^{^ often} frequently the scene of piracy and was ravaged by ^{^ pirates} sea-rovers over whom Dāhir (king of Debal) had apparently no control. In reply to ^{^ When} al-Hajāj's request ^{^ Dāhir} to set free the Muslim women captured on ship by the Meds of ad-Daibul (Dabal), Dāhir sent the following message ^{said}, 'Pirates over whom I have no control, captured' (63) [the ship]. The immediate cause of the Arab invasion of Sind was this piratical attack.

The Nāvadhyaṅga is directed by Kauṭilya (64) to destroy the pirate ships (himsrikās). Kauṭilya (65) also refers to the sinking or plundering of ships probably by pirates. The Daśakumāra-Carita (66) vividly describes a piratical attack: 'there sped up in a galley, surrounded by many boats . . . the boats, sailing very swiftly surrounded our boat like a pack of dogs closing in on a boar.' Then ensued a scuffle and the pirates defeated the sailors of the boat. The Divyāvadāna (67) describes the pirates as one of the dangers of the sea.

That the Eastern waters were also infested by pirates is proved by the Bodhisattvavadāna Kalpalatā of Ksemendra. The seventy-third Pallava or chapter of this book (68) relates that Emperor Aśoka was one day approached by some Indian merchants who traded with the distant islands. They informed him of their huge losses brought about by the depredations of some pirates called Nāgas (probably the Chinese). They destroyed all their ships and plundered their merchandise. They said that if the Emperor was unwilling to protect them, they would be forced to

give up sea-borne trade and the imperial exchequer would also be the loser in absence of sea-voyages. Then Asoka issued a sort of edict¹ inscribed on a copper plate which was ignored by the Nagas. But when Asoka became a Buddhist, he succeeded in making the Nagas respect his edict and return all their booty which was then distributed among the merchants robbed. The Jats dwelling on the Sind, Cutch and Gujarat coasts in the seventh and eighth centuries and the Gurjjaras chiefly of the Cāpa or Cāveda clan, living in Dwaraka, Somnath, and Anahilavada Patan were dangerous pirates. (69) Hiū²-en-Tsang (70) was captured by some pirates not very far from the metropolis of Ayodhya. Leaving Ayodhya, when he was sailing down the Ganges on board a vessel with eighty passengers, ten pirate boats surrounded it. Taking it in tow, they brought it to the bank and decided to sacrifice the pilgrim to their goddess (Durgā).

As referred to already, the rulers of ancient India, generally maintained a brigade consisting³ of thieves, robbers and desperadoes who may be called State-robbers. According to R.C. Hazra, 'the history of the employment of thieves or robbers for political purposes goes back to a very remote period.'⁽⁷¹⁾ The Mahābhārata⁽⁷²⁾ shows that the secret army of a king 'included formidable fighters trained in the art of robbing' for harassing the enemy states. Founding of kingdoms by robber-chiefs with the help of their robber-bands has been referred to in some works.⁽⁷³⁾ According to a Buddhist tradition, the eldest brother of the Nandas became the leader of a robber-gang, pillaged villages and towns and ultimately established a kingdom. The robber-chief Vanarāja founded a kingdom in the same way. Kautilya says that,

if a king 'is destitute of an army, he should, as far as possible, attract to himself the brave men of corporations, thieves, wild tribes, Mlecchas, and spies who are capable of inflicting injuries upon enemies.'⁽⁷⁴⁾ According to Kautilya, with a view to destroying an enemy, a minister, posing as being dismissed by his master, may go to the enemy-camp with a 'band of spies, disaffected people, traitors, brave thieves, and wild tribes who make no distinction between a friend and a foe.'⁽⁷⁵⁾ Thieves followed the army of king Harṣavardhana.⁽⁷⁶⁾ According to Kalhana,⁽⁷⁷⁾ Bhikṣācara's army included marauders. Three verses of the Sukranītisāra, two verses ascribed to Brhaspati and four to Kātyāyana⁽⁷⁸⁾ also refer to the State-robbers. State-sponsored robberies were very common in ancient India. In the Vedic and epic literature, tribes and States often indulged in cattle-raids in a mass scale which may also be called political robberies. Though condemned in later ages, cattle-raids and abduction of women were regarded as creditable performance for the Ksatriyas atleast in the Vedic and epic literature.⁽⁷⁹⁾ In a Rgvedic verse, we find this exultation : 'Thou shoutest, Indra, in this glorious and arduous conflict and assistest us to the acquirement [of spoil] in this battle where cows are won and men overpowered wherein the weapons descend on every side upon the fierce and courageous combatant.'⁽⁸⁰⁾ Another verse says: 'The leader of the host, a hero, advances in front of the chariots intent on seizing the cows [of the enemy]; his army exults.'⁽⁸¹⁾

(82)

In the Mahābhārata Duryodhana, with a view to improving his army and replenishing the treasury attacked king Virāta's go-grha and took away his numerous cattle. The

(83)
Mahābhārata, while not raising any objection against this political robbery, advises a king on the other hand to fill his treasury in times of distress by drawing wealth from his own kingdom and also from enemy countries with the help of dasyus (robbers). They were not, however, permitted to rob a Brāhmana's property or to make a person destitute. Kautilya also permits a King to replenish his treasury in times of great financial trouble by robbing his own subjects. According to him, (84) one of the king's spies, in the guise of a merchant should become a partner of a rich merchant and carry on trade with him. When a considerable amount of money has been accumulated as sale proceeds, deposits and loans, he should cause himself to be robbed of the amount by State-robbers. Or a spy, in the garb of a rich merchant, famous for his vast commercial undertaking may borrow from the corporations bar-gold, or coined gold for the merchandise to be procured from abroad. He may then allow himself to be robbed the same night.

Ancient Indian rulers had a band of daring spies thoroughly trained in thieving and robbery for using them to capture young people of criminal tendency, to harass enemy countries, and to kidnap enemy kings, (85) remove ^{^ their} his men and stores through underground tunnels and rob the enemy subjects of their wealth. (85)
Former thieves were also engaged by kings to detect thieves. (86)
The minister of Viraketu had in his employ some valiant thieves whom he engaged in tunnelling into the chamber of an enemy king, in order to take the latter's life. (87)
Kautilya's fiery spies had to be expert tunnellers. (88)
According to Kautilya, (89) these spies should act in the guises of hunters, cowherds, vintners,

ascetics, thieves, forest-folk and others. Fiery spies or spies disguised as robbers (pratirodhaka) may be engaged to kill seditious ministers. (90) Spies were often employed to carry off the brave soldiers, elephants or horses of the enemy. (91) According to Kautilya, (92) they also used to engage thieves in order to destroy the enemy's cattle or merchandise near wild tracts. These spies may poison, with the juice of the madana plant, the food stuff and beverage kept, as previously arranged in a particular place for the enemy's cowherds and go away unobserved. When the cowherds show signs of intoxication in consequence of their eating the above food, spies disguised as cowherds, merchants, and thieves may attack the enemy's cowherds, and carry off the cattle. They ^{^ might} could assume the guise of ascetics or vintners for doing the same thing. 'Spies [^] concealed [^] in forests may enter into the border of the enemy's country, and devastate it; or they may destroy the enemy's supply, stores, and other things, when those things are being conveyed on a narrow path passable by a single man.' (93) According to Kautilya, 'Those spies, who enter into the wild tracts of the enemy with the intention of plundering his villages, and who, leaving that work, set themselves to destroy the enemy, are termed spies under the garb of thieves.' (94) In the Mahāsīlava Jātaka, (95) a king of Kosāla sent some of his men to plunder a village across the Benares border to test the might of the king of that land. As there was no opposition, his men gradually plundered a village in the very heart of his kingdom and ultimately occupied the whole country. During Anantavarman's rule, Vidarbha's borders were harassed by his enemy's

troops disguised as 'men of the jungle.'⁽⁹⁶⁾ According to Buddhist and Jaina traditions,⁽⁹⁷⁾ robbers were engaged by the deposed Nanda king to create lawlessness in Chandragupta's kingdom. 'Carrying away by stealth relatives and gems' of an enemy king was one of the duties⁽⁹⁸⁾ of an envoy.⁽⁹⁸⁾

Along with thieves, wild tribes of plundering habits were also employed to devastate an enemy's territory.⁽⁹⁹⁾ Most authorities⁽¹⁰⁰⁾ agree in saying that Atavi or Atavika (wild tribe or wild troops) formed one of the six kinds of troops of a king. According to a modern writer, 'works on polity right from the Mahābhārata down to the Arthasāstra of Kautilya have spoken highly of the fighting qualities of wild troops and the desirability of their employment in certain circumstances.'⁽¹⁰¹⁾ According to the Mānasollāsa⁽¹⁰²⁾ the Atavika army consists of Nisādas, Mlecchas, and similar people dwelling in the vicinity of mountains. The Rāmāyana⁽¹⁰³⁾ refers to an army division composed of wild tribes. According to the Mahābhārata,⁽¹⁰⁴⁾ the ends of the hairs of these men were brownish and a bit curling; their cheeks and necks were abnormally big, shoulders very broad, lower parts of the thighs were awful; their heads were round-shaped, and faces as large as those of cats; their voices were terrible. They were as audacious as the Garuḍa. They were very fond of wars and reckless of their lives. They never ran away from the battlefield.⁽¹⁰⁴⁾ According to Kaṁandaka, the Atavika troops are 'by nature irreligious, greedy, anārya and non-observers of truth.'⁽¹⁰⁵⁾ According to Kautilya, 'one has to pay the army of wild tribes either with raw produce or with allowance for plunder.' As they

are very eager for plunder, in its stead, 'they prove as dangerous as a lurking snake.' (106) Thus it is clear that the wild troops were allowed to plunder the enemy country for their maintenance.

According to Hazra, the employment of State-robbers and desperadoes for harassing enemy countries forms part of the Kūṭa-yuddha, which is recommended by the writers of Arthasāstra under particular circumstances. (107) Forms of a Kūṭa-yuddha (108) (unfair fight) include the creation of great terror in the enemy-country, (by means of burning and plunder), assault, etc.

Brhaspati, Kāṭyaṇa and Sukra lay down some rules for the State-robbers. According to Brhaspati and Sukra, 'the cultivators, artisans, artists, usurers (or bankers), guilds (or corporations), dancers, sectaries (bearing distinguished sect-marks) and robbers should resolve their disputes, according to their own rules.' (109) According to Hazra, 'From this verse we learn that in ancient India State-robbers were allowed freedom to frame rules if necessary, for the proper conduct of their work and also to decide their disputes in accordance with these rules as well as with their established conventions and usages.' (110) Two other verses have also been ascribed to Brhaspati : (1) 'But whatever [booty] is brought from a hostile country by [a band of] robbers at the command of their [royal] master, they shall share in due proportion [as stated below] after giving a sixth part to the king.' (2) [Their] chief shall receive four shares, the [specially] valiant one [among them] shall have three shares; the [person who is particularly] able shall take two shares; and the others remaining shall have equal shares.' (111)

The four verses ascribed to Kātyāyana are :

(1) Whatever booty is brought from an enemy country by [a band of] robbers at the command of [their royal] master, they shall divide [among themselves] according to the [established] rules [on this point] after setting aside a tenth part for the king.'

(2) The chief of the [band of] robbers shall take four shares from that [amount of booty which remains after king's share is set apart], the [specially] valiant one [among them] shall receive three shares; the [particularly] able one shall get two shares and the rest shall have one share each.'

(3) 'And whatever [amount] is paid for his [own] release [by that person] who, among them, [as they become] scattered [in course of stealing or plundering], is caught, [they] shall pay according to [their] shares [of the booty].

(4) 'For all [those people, such as] merchants and cultivators, [and] robbers and artisans as well, who engage in [joint] undertakings without [previously] defining [their respective] shares, this is the [rule of] decision.'⁽¹¹²⁾

One verse of Śukra has already been referred to the other two verses are :

(1) 'Whatever booty is brought from an enemy country by [a band of] robbers at the command of [their royal] master, they shall divide [among themselves] in equal shares after setting aside a sixth part for the king.'

(2) 'And whatever [amount] is paid for his [own] release [by that person] who, among them, [in case they are] scattered [in course of stealing or plundering], gets arrested, [they] shall pay in equal shares.' (113)

Thus these robbers (114) had [^]to [^]give to ~~set apart~~ for the state a specified share which differed according to different authorities possibly under different circumstances. (114) According to Candēśvara, 'the king's share of the booty was determined by the proximity or otherwise of the enemy country, i.e. by the ease or difficulty of the work of the marauders.' (115) Vācaspati Miśra writes that 'a sixth part was due to the king when he gave protection and help to the robbers, but if, owing to distance from the place of action, he failed to do anything for them, he was to receive only a tenth part.' (116) Devaṇṇabhaṭṭa, however, says that 'the sixth and the tenth part allotted to the king by Brhaspati and Kātyāyana, related respectively to booty brought from the domains of a more powerful enemy and a weak one.' (117) It is also clear from the verses quoted above as pointed out by Hazra, that unless the robbers 'specified by mutual consent, their respective shares of the booty before beginning an operation, they had to abide by the rules laid down in the said verses, and that in case a robber of a party was caught in the course of an operation, the amount paid for his release had to be divided by all members of the party either equally (as said particularly by Śukrācārya) or in proportion to their shares of the booty (as prescribed by Kātyāyana)'. (118) It may be contended that the robbers described as state-robbers were not really the regular troops of a state,

but that they were recruited whenever a necessity arose. The rules framed by Brhaspati, Kātyāyana and Sukra were probably based on the customs of the robber-guilds. The robbers had to pay to the king a share of the booty probably because the latter did not prevent them from looting neighbouring or enemy countries. Moreover, as they were his subjects, they were bound to pay him a certain share of their income. The kings might have also helped them during their raids and protected them when they were hotly pursued. These robbers remind us of the Thuggees and Pindaris who were protected by local chiefs in ^{return for} lieu of a share of their booty.

Open or patent thieves are named in the law-texts thus: (119) Dishonest traders who cheat customers by using false weights and measures and by other means, receivers of bribes, forgers, gamblers, quacks, artists, prostitutes, people who [pretend] to know how to interpret evil omens or to practise propitiatory rites, magicians, palmists, people who walk in disguise or [pretend^d to] teach the performance of auspicious ceremonies, false witnesses, corrupt judges, those who profess to arbitrate (for their own benefit?), [hired servants] who refuse to work, cheats and others. Kautilya calls the traders, artisans, musicians, beggars, buffoons and other idlers 'thieves in effect though not in name.' (120) According to the Pārsvanātha-Caritra, thieves are of seven kinds: 'A [straight-out] thief; a betrayer of thieves; a minister; one who knows how to instigate strife; a purchaser of stolen goods; one who ~~finds~~ &

feeds [a thief]; and one who gives him shelter.' (121)

Dishonest traders were very common. (122) The fourth Board (123) of Megasthenes' City-officers supervised trade and commerce and had charge of weights and measures. The fifth board compelled the traders to sell new commodities separately from the old. Merchants also served as bankers and often misappropriated the deposits. Kalhana regards the merchants as hypocrites and says that 'a thing deposited in a merchant's hands is never again recovered.' (124) According to Ksemendra, (125) merchants turn deaf when somebody comes to take back the mortgaged property. Hemacandra (126) also says that merchants free from deceitfulness are rare. Some impressionist stanzas (niti) tell of the joy of a substantial merchant on being made fiduciary for another's property. (127) Dishonest denial of deposit was regarded as theft and punished accordingly. Menu provides that in the absence of witnesses, spies may be engaged to test the honesty of the depositary by depositing some gold with him. If his dishonesty is proved, he must return the value of both the deposits. For the first offence, the depositary shall pay a fine equal to the value of the deposit. For the second offence, he should be punished as a thief (if ^{valuable things} gold, pearls, or the like be demanded); or (in the case of a trifling demand), shall pay a fine equal to the value of the thing ^{demanded} claimed. (128) According to Kalhana, 'A merchant in a law-suit relating to the embezzlement of a deposit is more to be dreaded than a tiger; because he shows a face smooth as oil, uses his voice but very little, and shows a gentle appearance.' (129) According to Kalhana, (130)

once a certain wealthy man deposited a lakh of cowrie-shells (dinnāra) in the house of a merchant and began to take commodities from him on credit. After twenty or thirty years when he demanded the money, the merchant made out a bill for the cost of the articles taken by the depositor and also for the interest due on those advances. The total sum, according to his reckoning, exceeded the amount of one lakh. So, he demanded the balance from the depositor. The judges supported the argument of the merchant; but the king thought differently. He asked the merchant to produce a portion of the deposited money which, the merchant asserted, was still in his possession. When some coins were produced, the king looked at them and discovered some coins issued by him among them. He at once realised that ^{at least a portion of the} the deposit had been used by the merchant. He declared that if the depositor had to pay interest on what he had taken from the merchant, the latter too should pay interest on the full lakh from the time of its being deposited. A prostitute recovered the deposit of a poor Brāhmana from a dishonest yogi by a clever trick. ⁽¹³¹⁾ As the yogi denied the deposit, the prostitute asked the poor Brāhmana to follow her to the yogi's house. She went there with five beautiful trunks filled with bones and requested him to keep them as deposit. At that time the Brāhmana came there and demanded his deposit. To create confidence in her mind, the yogi returned the Brāhmana's deposit. The tale of the merchant who said that the iron beam balance deposited with him by his friend had been eaten up by mice is well known ⁽¹³²⁾ and will also be mentioned later on. ⁽¹³²⁾

Dishonest traders, quacks and others were called open thieves because they used to cheat or exploit people in some way or other. According to Brhaspati,⁽¹³³⁾ a quack is a thief because he takes money from a patient though he does not know about medicines or diseases. Kautilya⁽¹³⁴⁾ regards the gamblers as false players and directs the superintendent of gambling to supply dice to them. Substitution of this dice by tricks of hand is to be punished with a fine of 12 panas. Even artists were regarded as open thieves because, as Kautilya⁽¹³⁵⁾ points out, ⁽¹³⁵⁾ they diverted the attention of the villagers from cultivation, their sole means of subsistence, by their plays and also exacted cash and other things from those simple folks. Megasthenes⁽¹³⁶⁾ says that astrologers were silenced for the rest of their life for making false forecasts.

Kautilya brands the king's officers as stealers of revenue. 'Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant ~~to~~ not to eat up, at least a bit of the king's revenue. Just as a fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out [while] taking money [for themselves]'.⁽¹³⁷⁾ Says Manu: 'Since the servants of the king, whom he has appointed guardians of districts, are generally knaves, who seize what belongs to other men, from such knaves let him defend his people: Of such evil-minded servants as wring wealth from subjects attending them on business, let the king confiscate all the

possessions, and banish them from his realm.' (138) In the twenty-fifth story of the Kathārnava, a minister says to his King, 'I am, by nature, thievish, for king's officials are, as it were, swallowed up by greed.' (139) Manu and Kautilya regard the goldsmiths as cheats. According to the former, 'the most pernicious of all deceivers is a goldsmith who ^{^m}comits frauds: the king shall order him to be cut piecemeal with razors.' (140) Kautilya (141) affirms that the goldsmiths 'carry on their fraudulent trade while pretending at the same time to be honest and innocent. According to him 'no offence of theirs shall be forgiven and at a time of great financial trouble, the king may confiscate the entire property of goldsmiths. In the fiction, (142) a goldsmith is always viewed as a typical thief and his nicknames are Svarna-taskara and Svarna-pahārin. There is a proverb to the effect that even from the gold given by their mothers for making ornaments, they would pilfer a little. (143) According to a Kashmirian proverb, if the goldsmith did not steal gold, he would get hectic fever. (144) The Mrcchakatika refers to a proverb: 'It is hard to find a . . . merchant who never cheats, a goldsmith who never steals . . . a courtesan without avarice.' (145) According to the Kalāvilāsa of Ksemendra, a goldsmith 'knew the sixty-four arts including twelve of movements, six of hissing, eleven of new ways of deception and five of reducing weight.' (146) The goldsmiths were assigned to the lowest class possibly for stealing gold. (147) That the goldsmiths were not trusted is proved by the

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following directive of Kautilya : Goldsmiths shall enter into
or exit from the goldsmiths' office, (aksasālā) after their person
and dress are thoroughly searched. (148)

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2. Brhaspati, XXII. 1. See SBE, Vol. XXXIII. Part I, p.359.
3. Kane, loc.cit.
4. Vyāsa quoted by the Smṛti-candrikā, ed. J.R.Gharpure, II, p.318 : Utksepakeḥ Sandhibhettā Pāṇthamudgranthibhedakah-
striṇṇūṅgoscapaśusteyā cauro navavidhah smṛtah /
5. Manu, IX. 257.
6. SBE, op.cit., p.223-24.
7. B.C.Law, India as Described in Early Texts of Buddhism and Jainism, p. 172.
8. J.C. Jain, Life in Ancient India as Depicted in the Jaina Canons, p. 66.
9. Panhāvāgarana Tīkā, Comm. Abhayadeva, III, p. 58, Bombay, 1919. See J.C.Jain, loc.cit.
10. Kauṭilya, VIII. 4.
11. Kauṭilya, trans. Śhaṇṇasastry, p. 362; ibid., trans., R.G. Basak, Vol. II, ¹⁹⁶⁷, p.190; R.K.Mookerji, Chandragupta Maurya and His Times, p.168.
- 11a. Bloomfield in AJP, Vol. XLIV, p.216.
12. Bloomfield in AJP, Vol. XLIV, p.116.
13. The Jātaka, ed. Cowell, Vol. IV, No. 477.
14. Bloomfield, op.cit., p.216; Bloomfield in AJP, Vol. XLVII, p. 217. In Egypt 'a popular exaggeration for an expert thief is, 'he would take the very Kohl off your eyelids'. Kohl means collyrium. See Kathās, trans. Tawney, ed. Penzer, Vol. I, pp. 211-12.
15. Bloomfield in AJP, Vol. XLIV, p.216.

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22. Mrcchakatika, trans. Ryder, p.52; Lal Behari Day, Folk Tales
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31. Ibid., pp.378ff.; Kautilya, IV. 5 (for Vanacora).
32. ^{^ D.C. Sircar, op.cit., Vol. xv,} Ibid., pp.378ff. ~~^ Kautilya, IV. 5 (for Vanacora).~~
33. Ibid., pp.378ff. ~~^ Kautilya, IV. 5 (for Vanacora).~~
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36. The Jataka, op.cit., Vol. IV, No.503; Pāncatantra, trans. Ryder, p. 201.
37. Sachar^u, op.cit.^{^ Vol.I}, p. 262.
38. Bloomfield, op.cit.^{^ Vol.XLVII}, p. 206.
39. Ibid., p. 215.
40. D.C.Sircar, op.cit.^{^ Vol.XV, Nos.3-4}, pp. 378ff.
41. Kautilya, IV. 5. ~~and~~ VIII. 4.
42. Rgveda, X. 4. 6; Atharvaveda, IV. 36. 7. Pāncatantra, op.cit., p.201; Dasakumāracarita, trans. Ryder, p. 19, etc.
43. Mahābhārata, XVI. 7.
44. The Jataka, op.cit., Vol. I, No. 35. 48 .
45. Ibid., ~~also see~~ No.63.
46. Kautilya, VIII. 4: Pratyantāranya carāścātavikah.
47. R.S.Tripathi, History of Kanauj, p. 146.
48. Kathās., op.cit., Vol. IV, pp. 191ff.
49. The Jataka, op.cit., Vol. I, No.48; Vol. IV, No. 459.
50. Ibid., Vol. IV, No. 459.
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53. Ibid., p. 656.
54. Loc. cit.
55. Loc. cit.
56. R.C.Majumdar, The Classical Accounts of India, p. 338.
57. Ibid., p. 339.
58. Ibid., p. 305.
59. P.C.Chakravarti, op.cit., p. 659.
60. loc. cit.

61. About the Malabar pirates Marco Polo writes: 'And you must know that from the kingdom of Melibur, and from another near it called Gozurut, there go forth every year more than a hundred corsair vessels on cruize. These pirates take with them their wives and children and stay out the whole summer. Their method is to join in fleet of twenty or thirty of these pirate vessels together, and then they form what they call a sea cordon that is, they drop off till there is an interval of five or six miles between ship and ship, so that they cover something like a hundred miles of sea, and no merchant ship can escape them. When one Corsair sights a vessel, a signal is made by fire or smoke and then the whole of them make for this, and seize the merchants and plunder them.' According to Yule, 'it was in this neighbourhood that Ibn Batuta fell into the hands of pirates and was 'stripped to the very drawers'. (P.C.Chakravarti, op.cit., p.659). Ibn Batuta, however, says that the Malabar pirates 'captured only those vessels which attempted to pass their ports without the payment of toll'. (R.K.Mookerji, History of Indian Shipping, p. 139).
62. Sachar^u, op.cit., Vol. I, p. 208.
63. B.K.Majumdar, The Military System in Ancient India, 2nd Ed., p. 104.
64. Kautilya, II, 28.
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67. J.C.Jain, op.cit., p. 118, note.
68. R.K.Mookerji, op.cit., pp. 79-80.

69. Ibid., p.119.
70. R.K.Mookerji, ^{^h}Harsa, p. 99.
71. R.C.Hazra, 'Kautilya Studies' in Our Heritage, Vol. XI, Part II, pp. 100ff.
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74. Kautilya, VII. 14.
75. Kautilya, XIII. 3, trans. Shamasastri, p. 429.
76. Harsacarita, trans. E.B.Cowell and F.W.Thomas, p. 207.
77. Kalhana, Rājatarānginī, VIII. 1384.
78. Hazra, op.cit., ^{^ Vol. XI, Pt. II,} p. 94.
79. The following lines are found in some editions of the Pañca-tantra : 'Due to the bad effects of the company of dishonest people, the honest undergo a change [for the bad]. On account of [his] close association with Duryodhana, Bhīṣma went out for cattle-lifting'. See Hazra, op.cit., Vol. XIII, Pt. I, p. 130.
80. Rgveda, X. 38.
81. Ibid., IX. 96. 1.
82. Hazra, op.cit., pp. 129ff.; Mahābhārata (Critical ed.), ^{^ Vol. XIII, Pt. I,} IV. 29. 8-13.
83. ^{^ Ibid.} Hazra, op.cit., pp. 129ff.; Mahābhārata (Critical ed.), IV. 29. 8-13.
84. Kautilya, V.2; trans. Shamasastri, p. 274.

85. Kautilya, IV. 5; XII. 1, 4-5; XIII. 2; trans. Shamasastri, pp. 239ff., 410 ff.
86. Nārada, trans. Jolly in SBE, Vol. XXXIII, Pt.I, p.266.
87. Dasakumāracarita, pub. V.Ramaswamy, Sastrulu and Sons., p. 39.
88. Kautilya, XII. 5.
89. Kautilya, IV. 5; XII. 1, 5; XIII. 2-3; trans. Shamasastri, pp. 240ff., 420, 426ff.
90. Kautilya, V.1.
91. Kautilya, IX. 6; trans. Shamasastri, p. 383.
92. Kautilya, XIII. 3; trans. Shamasastri, p. 432. R.P.Kangle
([^]Kautilya Arthasāstra, Part II, p. 563) translated this passage quite differently. According to him, these devices were to be adopted to take away the stolen goods from the custody of the forest-robbers and also to punish them.
93. Kautilya, XII. 4; trans. Shamasastri, p. 418.
94. Kautilya, XIII. 3; trans. Shamasastri, [^]p. 432, loc.cit.; R.P.Kangle,
op. loc.cit. p.564 : 'Or after scattering in many groups the forest tribes that have come for plundering the town, he should destroy them. Thus secret agents for robbers have been described.'
95. The Jataka, op.cit., Vol. I, No. 51.
96. Dasakumāracarita, trans. Ryder, p. 163.
97. R.K.Mookerji, Chandragupta Maurya and His Times, pp. 231, 234.
98. Kautilya, I. 16; [^]trans. Shamasastri, op.cit., p. 31.
99. Kautilya, XII. 1, 4.
100. Kane, op.cit., [^]Vol. III, p. 200.
101. Hiralal Chatterjee, International Law and Inter-State Relations in Ancient India, p. 107.

102. Kane, ^{^ Vol. III,} op.cit., p. 201.
103. Hiralal Chatterjee, op.cit., p. 107.
104. Loc.cit.
105. Kane, loc.cit.
106. Kautilya, IX. 2; trans. Shamasastri, pp. 372-73.
107. R.C. Hazra, op.cit., Vol. XIII, Pt. II, p. 131.
108. Kautilya, VII. 6; Manu, VII. 195-96.
109. Hazra, op.cit., Vol. XI, Pt. II, pp. 94ff.
- Kināśāḥ Kārūkāḥ śilpikusīdi/sreninartakāḥ /
Līṅginastaskarāḥ Kuryuḥ svena dharmena nirṇayam //
^{^ Vol. III,} See Kane, op.cit., p. 284, note 381.
110. Hazra, ^{^ Vol. XI, Pt. II,} op.cit., pp. 96ff.
111. Ibid., pp. 96-97.
112. Ibid., pp. 97-99.
113. Ibid., p. 99.
114. ~~Ibid., p. 99.~~ loc. cit.
115. ~~Ibid., p. 99.~~ loc. cit.
116. ~~Ibid., p. 99.~~ loc. cit.
117. ~~Ibid., p. 99.~~ loc. cit.
118. Hazra, ^{^ Vol. XI, Pt. II,} op.cit., pp. 99-100.
119. Manu, IX. 257ff.; for Nārada and Brhaspati, see SBE, Vol. XXXIII, ^{^ Pt. I,} pp. 223, 359. See Kane, ^{^ Vol. III,} op.cit., p. 320.
120. Kautilya, IV. 1, trans. Shamasastri, p. 231.
121. Caurasaurar pakomantribhedaḥ Kānakakrayi /
annadaḥ sthānadaścaiva Caurah saptavidhaḥ smṛtaḥ //
See Bloomfield in AJP, Vol. XLIV, pp. 105ff.

122. Pāncatantra (Bombay ed.), I. 13-16; Bloomfield, op.cit., Vol. XLIV, p. 106.
123. Mc Crindle, Ancient India as Described by Megasthenes and Arrian, pp. 87-88.
124. Rājatarāṅginī, VIII. 128.
125. Samayamātrke, V. 53-58.
126. A.K. Majumdar, Chaulukyas of Gujarat, p. 339.
127. Bloomfield, op.cit., Vol. XLIV, p. 106.
128. Manu, VIII. 180-92; Kautilya, III. 12.
129. Rājatarāṅginī, VIII. 129.
- 130; Ibid., VIII. 124ff.
131. Bloomfield, 'On False Ascetics and Nuns in Hindu Fiction' in JAOS, Vol. XLIV, pp. 223ff.
132. Pāncatantra, trans. Ryder, pp. 165ff.
133. SBE, Vol. XXIII, XXII. 8.
134. Kautilya, III. 20.
135. Kautilya, II. I.
136. McCrindle, op.cit., p. 83.
137. Kautilya, II. 9, trans. Shamasastri, p. 70.
138. Manu, trans. W. Jones, VII. 123-24.
139. Bloomfield, in AJP, Vol. XLIV, pp. 105-06.
140. Manu, trans. W. Jones, IX. 292.
141. Kautilya, V. 2; trans. Shamasastri, p. 272.
142. Bloomfield, op.cit., Vol. XLIV, pp. 106-107.
143. Bloomfield, op.cit., pp. 106-107. loc. cit.
144. Bloomfield, op.cit., pp. 106-107. loc. cit.
145. Mṛcchakatika, trans. Ryder, p. 76.

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146. B.P.Majumdar, The Socio-Economic History of Northern India,
p. 109.

147. Ibid., pp. 108-09; See Kane, op.cit., Vol. II, Pt.I, p.98.

148. Kautilya, II. 13; trans. Shamasastri, pp. 91-92.

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CHAPTER IV

Modus Operandi

Though the Vedic literature is silent about the modus operandi of thieves and robbers, works of later times, such as, Kautilya's Arthasastra, the Mrcchakatika, the Dasakumāracarita, folk-tales, etc. throw a flood of light on the ways of stealing which required courage, efficient leadership, team work, ingenuity, alertness and fortitude. The art of cutting a breach or digging a tunnel into a house which was very popular with burglars has been elaborately described in many a work. The opening was known as sandhi,⁽¹⁾ grhasandhi (gharasandhi),⁽²⁾ chidra,⁽³⁾ surāṅga⁽⁴⁾ or surūṅga,⁽⁵⁾ ksātra,⁽⁶⁾ (Khātra),⁽⁷⁾ etc. The breach is sometimes ironically described as navadvāra or nava-gehadvāra,⁽⁸⁾ (new door or new house-door) and dvitīya-dvāra⁽⁹⁾ (second door). Generally, the breach in the wall or foundation of a house was known as sandhi and surāṅga indicated a tunnel. Khātrakhanana,⁽¹⁰⁾ meaning 'digging a tunnel', is sometimes used in the general sense of burglary.

The breach or hole in the wall could be of many shapes which the Mrcchakatika enumerates as seven,⁽¹¹⁾ in number : padmavyākosa (full-blown lotus), bhāskara (sun), bālacandra (crescent moon), vāpī (cistern), vistīrṇa (extended),^(11a) svastika (cruciform),⁽¹²⁾ and pūrnakumbha (auspicious water jar).⁽¹³⁾ Bhāsa's drama, Cārudatta⁽¹⁴⁾ names the breaches differently : siṃhākrānta (lion-stride), pūrnacandra (full moon), jhaṣāsyā (mouth of the fish or jhaṣa), candrārdha (crescent moon), vyāghravaktra (tiger-jaw), trikona (triangle), pīthikā (seat) and gajāsya (elephant's mouth). Lexicographers also refer to

śrīvatsa ⁽¹⁵⁾ (which is mentioned as sirivaccha ⁽¹⁶⁾ in some stories) and to go-mukha ⁽¹⁷⁾ (cow's mouth) as names of breaches. Sarvilaka in the Mrcchakatika ⁽¹⁸⁾ probably means by Karmamārga, a hole or breach. Bloomfield ⁽¹⁹⁾ points out that śrīvatsa means a lock of hair on Visnu's breast. It is a symbol of success, ^{and} is probably identical with the svastika breach, both being cruciform. According to J.J.Meyer, ⁽²⁰⁾ thieves often made holes of this auspicious shape owing to their religious turn of mind. A thief is said to have dug an 'extremely well-concealed hole which resembled a sirivaccha and which made it easy to get into and out.' ⁽²¹⁾ The Mallināthacarita ⁽²²⁾ mentions a padmakāraṁ khātram. Breaches ⁽²³⁾ of the shapes of kavisīsa (Kapīśīrṣa, cornice), kalasa (jar), nandāvatta (huge fish), lotus and human being are mentioned in the Jaina literature. A Jātaka tale ⁽²⁴⁾ refers to a tunnel as clear and open as a road or ford. Burglars made breaches of different shapes and sizes to surprise the votaries of their art as well as the onlookers by their skill in that art. ⁽²⁵⁾ They used to cut different shapes of holes which would look particularly beautiful in different types of walls. In fact, the thieves regarded their work as an art and expected appreciation for a good performance. ^{^ the} Sarvilaka in Mrcchakatika ⁽²⁶⁾ says that the neighbours of the houses burgled by him by digging breaches in the foundations, blamed him but praised his skill. Apahāravarman says in the Daśakumāracarita ⁽²⁷⁾ that in the morning he along with his friends went about hearing the conversations of women in their houses in the city regarding their activities, during the previous night. A tunnel was usually dug by thieves from some distance to reach the foundation of a house. Apahāravarman could

be compared with one of the sons of King Sagara for his skill in digging. (28) The sons of Sagara dug the earth down to the nether world (29) in search of their stolen sacrificial horse. Apahāravarman dug an underground passage, three fathoms in length (18 feet). (30) Some valiant thieves (31) dug a tunnel into the chamber of the king of Lāta to kill him; but as he was not present there, they carried off much wealth. Arthapāla dug a tunnel from the corner of his house to the king's palace. (32) One night the king of Benares saw some thieves digging a tunnel between two houses in order to enter them thereby. (33) In a Buddhist tale, (34) some thieves are said to have dug a long tunnel to enter into a strongly-defended house. Prior to the description of the actual operation of burglars, we have to discuss the preparatory measures undertaken by them. Before breaking into a house, burglars generally collected fairly full information about the house and its inmates. Thus before burgling the rich merchants' houses at Campā, Apahāravarman eagerly listened to gossips regarding the miserly rich people of the city, and befriended the gamblers. (35) He made friendship with a gambler from whom he learnt much concerning the wealth, occupation and character of the merchants in question. The daughter of Kuveradatta served as a spy when Apahāravarman and his friend stole all the valuables from his house leaving only the mud-pots. (36) On another occasion, Apahāravarman before entering into a princess's apartment, learnt from a maid-servant the position of the different rooms in the mansions and acted according to her advice. (37) According to Kautilya, (38) persons who are eager to know about the servants, women and valuables of others

may be suspected to be robbers or criminals. Yājñavalkya⁽³⁹⁾ prescribes the arrest of persons who inquire about others' property or houses, on the suspicion of theft. Some thieves in a Buddhist tale,⁽⁴⁰⁾ observing that a cautious rich lady had left her house to listen to the preaching of the Law, dug a tunnel into it that very night. In a Bengali folk-tale,⁽⁴¹⁾ a thief before stealthily entering into a royal palace, closely inspected its environs and collected information regarding the guards, the bedroom of the queen, her habits, etc., from people living near the palace. A Kashmirian thief, before committing his first burglary, carefully studied^d the situation of important roads, canals and bridges, surveyed the capital and took notice of the well-to-do people.⁽⁴²⁾ A veteran pick-pocket, named Mahadeva, having decided to pull out the trousers of the King of Kashmir unperceived, first learnt about his habits, temper and also the usual trend of events inside his palace from the King's servants.⁽⁴³⁾ In cases where information regarding a house could not be gathered beforehand, burglars generally selected palatial buildings for their operation. Probably non-local thieves, in most cases had to make such a selection. On seeing the hole made by Sarvilake in Carudatta's house-wall, the latter's friend, Maitreya, as pointed out earlier, exclaimed that it must have been the handiwork of a student of the steyasāstra or of a stranger who was ignorant about the financial distress of the householder.⁽⁴⁴⁾ Sarvilake confessed that he entered into Carudatta's house because it appeared to be a palatial residence.⁽⁴⁵⁾

The thief Sajjalaka in [^]Carudatta says, 'Being a stranger, I have no knowledge of the extent of (this man's) affluence; but I have entered relying on the appearance of the house.'⁽⁴⁶⁾ A thief in J.J.Meyer's Hindu Tales⁽⁴⁷⁾ selected for ^mcommitting burglary a house which was worth looking at with wide open eyes and indicative of great wealth.

Thieves generally moved about in the guise of ascetics,⁽⁴⁸⁾ beggars,⁽⁴⁹⁾ diseased persons,⁽⁵⁰⁾ merchants⁽⁵¹⁾ and others, by day, in order to disarm the suspicion of the police as well as the spies. The Mahābhārata⁽⁵²⁾ advises rascals first to breed confidence by keeping the sacred fire, by sacrifices, by pious demeanour, by silence, by wearing the ascetic's red robe, braids, and antelope's skin; then they should pounce upon the confiding victims like wolves. In a story, a highway robber 'is adorned with diadems of long matted hair; his limbs are strewn with ashes; in his fist he holds the trident; he is encircled with evil-averting amulets; his fingers are busy with his hermit's token.'⁽⁵³⁾ In another tale,⁽⁵⁴⁾ a thief, provided with three staves, a water-pot and a chowrie, held in his hand a rosary and kept on murmuring and mumbling some verses. According to the Katharātñā-kara, King Srenika saw a sham ascetic. His upper garment was loose. He was catching fish. The following repartee ensued between the two :

'Why is your garment loose ?'

- 'I use it as net to catch fish.'

- 'Do you eat fish ?'

- 'As food with brandy.'

- 'Do you drink brandy ?'
- 'In the company of the harlots.'
- 'Do you go to harlots ?'
- 'After having placed my foot on the necks of my foes.'
- 'Have you enemies ?'
- 'Because I am a rascal.'
- 'Are you a thief ?'
- "'In order' to be able to gamble.'
- 'You are a gambler; how is that possible ?'
- 'Oh, I am a whore's son.' (55)

A robber, named Mandiṇya, who dug breaches into houses by night, begged by day. (56) He feigned that he was suffering from loathsome sores, and kept his knees anointed with ointment, and bound with bandages. He hobbled along, as though with difficulty, supporting his feet with a staff. According to Bloomfield, 'Rogues sham the get-up and behaviour of ascetics for all sorts of nefarious purposes. Thieves do this so regularly as to make it a shrewd guess that the steṇa-sāstra, or thieves' manual, if ever found, will contain one or more sūtras recommending thieves to operate in the guise of a kāpālika, pāśupata, or parivrājaka. The last mentioned idea is exported from human affairs into the field of beast-fable. Tiger and cat; heron and crow; jackal and monkey appear in turn in this role, victimizing both men and animals.' (57)

At the time of house-breaking at night, burglars generally wore black clothes. Clad in a black cloak, Apahāravarman went out in his nocturnal expedition to rob the rich. (58) Another thief put on jet-black clothes before going out at night. (59) Thieves

^ preferred
performed black clothes as these were not easily visible in the darkness of nights. Babington⁽⁶⁰⁾ refers to a thief whose bare head was girded with a black cincture and the body blackened and anointed with grease so that the police had to use a tiger's claw (Vāghnakh) to grab him. King Mrgāṅkadatta 'one night went out in search of adventures, with his body smeared with musk, wearing dark-blue garments and with his sword in hand.'⁽⁶¹⁾ This bears a close resemblance to the paraphernalia of a professional thief. According to Kauṭilya,⁽⁶²⁾ among the inmates of a house which is suspected to have been burgled by internal agencies, any person who has anointed his body with oil and has just washed his hands and feet shall be regarded as a suspect. Any person whose body bears the signs of rubbing and scratching may also be suspected to be a criminal. Sarvilaka in the Mṛcchakatika⁽⁶³⁾ skinned his sides by crawling on the ground. ^ ~~Probably thieves sometimes went out bare-bodied.~~⁽⁶⁴⁾ In the Avimāra, the hero goes out at midnight in the guise of a thief (coravesa) with a sword and a rope in his hands. Before climbing ^ a palace with the help of his rope, he girded up his loins (Kakṣyābandha). He describes his dress as terrible (raudravesa). He then sees a gay thief with his loins tightly girded up, moving quickly but listening intently to the conversations in people's houses and on seeing light, becoming panicky at the sound of his own footsteps.⁽⁶⁵⁾ Upaharavarma entered into the royal garden one night stealthily clothed in dusky clothes (kārdamikenivasana), with his loins tightly girded (drdhātara paṭikara), grasping his sword and taking other necessary implements to meet his beloved there.⁽⁶⁶⁾ Burglars generally chose dark nights for their operations. Apaharavarma chose a night 'dense with palpable darkness

from black and crowding clouds', the darkness being as black as the 'stain on Śiva's neck.'⁽⁶⁷⁾ Śarvilaka gazes at the sky and on seeing the moon setting and the stars covered with dark clouds becomes very glad at the prospect of the darkness, shielding him carefully like a mother from the eyes of policemen dread for whom he betrayed by his movements.⁽⁶⁸⁾

The kit of a thief generally contained the following appliances :

- (1) Sharp sword (khadga or kaukseyaka);⁽⁶⁹⁾ sometimes burglars or robbers posing as ascetics kept their sword concealed in their three staves.
- (2) Scoop (phanimukha or uragāśya),⁽⁷⁰⁾ i.e. a pick-axe for digging purposes or a spade of the shape of a snake's mouth; mouth. In a story,⁽⁷¹⁾ a thief used a very sharp tool to dig a hole. Though the Mrechakatika and Carudatta⁽⁷²⁾ do not directly mention the scoop, its use is described in them in detail.
- (3) Pair of tongs (strongly stuck up) for taking out wedges (sāmdamsāka);⁽⁷³⁾
- (4) Grappling iron called 'the crab' (karkata karajju);⁽⁷⁴⁾ It is also designated as a lizard. This was tied to a string called rajju or sita. In the Avimāreka⁽⁷⁵⁾ a Karkataka rajju was thrown at the cornice (kapisirsaka) of a palace to get the rope stuck to it. This karkatakarajju⁽⁷⁶⁾ was used for climbing to or getting down from the upper storeys of buildings. According to some commentators,⁽⁷⁷⁾ Karkataka and rajju⁽⁷⁷⁾ were separate appliances. They explain Karkataka as 'a wrench' and rajju as 'a rope to climb upstairs'. According to a modern commentator,⁽⁷⁸⁾

^{^ka}
Karkatā was a crab-shaped instrument used by thieves to hurt those who tried to catch hold of them. But, in our opinion,

Karkatakaraṅgu should be treated as a single word as the

Divyāvadāna (79) and ^{^the} Avimaraka (80) conclusively prove it. ^{^ (kākālī)} (81)

(5) Whistle or a low-sounding musical instrument [^] shounded by thieves to find out whether any one is awake, [^] (kākālī). (81)

According to some, it means scissors (kartarī). (82) In the

Cārudatta, kākālī (83) seems to be an instrument for digging

holes in house-walls. In our opinion, it probably means a knife or chopper.

(6) Sham human head (purusaśīrṣaka or pratipurusa). (84)

This was made of wood or other materials and was pushed into a room through a hole (sandhi) to determine whether the inmates

were asleep or awake. If they were awake, it ^{^ would} should be grabbed or attacked by them or they would certainly cry out in fear.

According to a modern writer, (85) the sham human head was inserted into the hole to see whether the body would pass

through it. Other things were also pushed into a room through

the hole. A young thief named Sukumāra cut off the hand of a

police officer, fastened it to a pole and made a show of reaching with this hand into the king's treasury [^] of the King. (86)

(7) Measuring tape (mānasūtra or pramānasūtra). (87) This

was used to measure the size of the hole to be dug into the wall

or foundation of a house. Sometimes Brāhmaṇa thieves used their

sacred thread as mānasūtra. Śarvīlaka, a Brāhmaṇa thief quotes

a verse enumerating the benefits to be derived from the

^a sacred thread by a Brāhmaṇa like himself : 'With this he

measures out a passage for his activity in the wall. With this he can unloosen the fastenings of ornaments. When the door is securely locked, this can open it; and it serves as a tourniquet when he is bitten by insects or snakes. (88) Probably something like a fishing hook was tied to this thread to loosen ornaments from the different parts of a lady's body. (89) This could also be inserted through some chink or gap in the door above the latch in order to make it stick to the latch which could then be easily opened by drawing the thread upwards.

(8) Magic wick (yogavarttika). (90) According to Bloomfield, the 'magic wick is defined waveringly by the commentator as means by which everything including serpents, may be seen; or as a means of blinding men.'

(9) Lamp case (dīpabhājana). (91)

(10) Box containing black-bees for putting out lights, etc.

(bhramarakarandaka), (92) the bees being called agneyakita or bhadrapitha (93) In the Carudatta, they are called merely śalabha (94) (moth).

(11) Magic powder or magic unguent (yogacūrṇa or yogarocana). (95) According to D.C.Sircar, Yogacūrṇa was 'believed to cause sound sleep if applied to a person.' (96) Sarvilaka says that the Yogarocana can make its user invisible to all and also immune to strokes of weapons. (97)

(12) Some magic seeds (Vija) (98) which when scattered on the ground would swell at places having buried treasure underneath;

(13) Water bag (99) from which thieves used to sprinkle water on doors to open them noiselessly.

(14) Medicinal herbs. (100)

Burglars broke into houses either singly⁽¹⁰¹⁾ or in groups of two,⁽¹⁰²⁾ or more.⁽¹⁰³⁾ A gang of ~~900~~⁽¹⁰⁴⁾ [^] nine hundred burglars⁽¹⁰⁴⁾ in action has been referred to in a Buddhist tale.⁽¹⁰⁴⁾ It is hard to believe that so many men entered into a house through a tunnel. Probably their guild is referred to or this may be a case of exaggeration not unusual in fiction. Burglars generally engaged their companions to stand guard while they entered into houses. Those who remained outside were probably to warn them against dangers, assist them in an emergency and even to kill anybody who ventured to come there. Once some thieves entered into a house through a hole dug by them leaving one of them at the opening with the clear instruction to kill anybody who would come there.⁽¹⁰⁵⁾ The nine hundred thieves, referred to earlier⁽¹⁰⁶⁾ gave similar instruction to their leader. That the burglars generally turned murderous in case of a real or suspected resistance, is proved by the evidence of the Dasakumāracarita and Mrcchakatika. Apahāravarman⁽¹⁰⁷⁾ killed some policemen and Sarvilaka⁽¹⁰⁸⁾ was about to kill a maid servant. In the Jaina Canonical literature,⁽¹⁰⁹⁾ we find an interesting tale. As the house-holder took hold of the feet of a burglar protruding from the breach, his companions tried to drag him out from the other side of the wall. Caught in this unenviable position, the burglar was smashed by the cornice coming down. In another tale,⁽¹¹⁰⁾ the boy-assistant of a thief cut off his [^] master's head when [^] his legs were grabbed and pulled inside by the house-holders.

Modern Indian thieves imitate the sound of some beasts to warn one another against danger or to disarm the suspicion of the house-holders. (111) Unfortunately, ancient Indian literature and even the folk tales are almost silent about this. References have, however, been made to thieves' signal and thieves' language which we have already mentioned. Probably thieves used them for the purposes mentioned above. The thief, Rauhineya, as pointed out earlier, could imitate the voice of any creature. Ventriloquism possibly formed a chapter of the thieves' manual.

The Mrcchakatika (Act III) and Carudatta (Act III) vividly describe the activities of a burglar at night and especially the former illustrates the use of some of the thieves' appliances. Sarvilaka and Sajjalaka are the names of the house-breakers in the Mrcchakatika and Carudatta respectively. Their activities are almost similar.

One dark night, a Brāhmaṇa thief, Sarvilaka by name makes a passage, wide enough to admit his body, in the outer wall of a palatial building, at a place where the wall is shaded by trees, with the help of his training and strength. (112)

Apahāravarman in the Daśakumāracarita (113) digs a tunnel at a corner of the prison-wall which is always shrouded in darkness. ^{^ Sarvilaka} He skins his sides while creeping through the passage like a snake and enters into the house. He then looks out for a place suitable for making a hole in a room. He thinks apparently after the teaching of the masters of the steyasāstra: 'Which is the spot where the earth has become loose by felling water, so that it would make no sound ? What is the spot again where an opening

in the walls will be large and yet not prominent in sight ? Where has the house become dilapidated, the earth having been washed away and corroded by damp ? Where is it that I may not encounter a woman (so that I may think of nothing but stealing) and gain my purpose ?⁽¹¹⁴⁾ In the Carudatta, the thief Sajjalaka says to himself : Where can a gaping hole be cut into the wall which can easily give a view of the interior ?⁽¹¹⁵⁾ He then feels the wall and selects a place where the earth being 'daily sprinkled with water in connection with the worship of the Sun-god'⁽¹¹⁶⁾ has deteriorated and is eaten up by damp. On espying a pile of earth near the wall, dug up by rats, Sarvilaka is cheered up by the prospect of his success,, this being a sign of success for Skanda's sons i.e. thieves. He rejoices because by making the place hollow, the rats have made his task easier. The sight of earth dug up by rats was also possibly regarded as a good omen as the rat was believed to be the mount of Ganesa, the deity granting success. Sarvilaka then thinks of the kind of breach he will make and remembers the four different ways of making a passage which have been prescribed by Bhagavat Kanakasakti. As the wall in question is made of baked bricks, he makes up his mind to pull them out. He then quotes a verse enumerating seven shapes of breaches and, considers the 'auspicious jar' type to be suitable in the wall of baked bricks. He then bows down to Kumara Karttikeya, Kanakasakti, Bhaskaranandin and Yogacarya and anoints his body with a magic ointment, the benefits of which have been described earlier. As he forgot to bring ~~out~~ with him the measuring tape, he at once decided to use his sacred thread

as its substitute. The verse he quotes in this connection, enumerating the benefits which a Brāhmaṇa thief may derive from the sacred thread has been already referred to. After measuring out the shape of the breach in the wall, he starts his work. When his breach lacks but a single brick, he is bitten by a snake. He at once binds his finger with the sacred cord and applies the remedy. He then continues the work, makes a small hole and gazes through it to see the interior of the room. He sees a candle burning there :

Though jealous darkness hems ^{it} round,
The golden-yellow candle from its place
Shines through the breach upon the ground,
Like a streak of gold upon the touchstone's face.' (117)

Apahāra Varma, ⁽¹¹⁸⁾ before quite opening out the breach, first makes a hole no bigger than an opening in a lattice window (or narrow as a telescope) to see what is going on in the room. ⁽¹¹⁸⁾

In a folk-tale, ⁽¹¹⁹⁾ we find a thief looking attentively through the hole made by him before entering into a room. After finishing the breach, Śarvilaka shoves a dummy in. As there is no reaction from the inmates, he thinks that there is none to oppose him. Then he bows again to the god Kārttikeya, scrambles into the room and finds two persons sleeping there. For an emergency exist, he wants to open the door. As the house is very old, the door squeaks when he tries to do so. He manages to get some water and carefully sprinkles it on the door. Looking backward he cautiously opens the door. Then he goes near the sleeping men, terrifies them and notes the effect. He is convinced that they

are sound asleep. In this connection he quotes a verse describing the features of a sleeping man : 'The breathing of this man is free from all fear and quite easy; apparently he is in the midst of a dream. His eyes are completely closed. There is no strained effect and no movement inside. The body lies at ease, all joints being relaxed, and is extended beyond the measure of the bed; and further, if it had been a feigned sleep, he would not have tolerated a lamp in front of him.' (120) He is, however, disappointed at not finding anything valuable in the room. To ascertain whether there is any buried treasure ^{^ there} ~~in that room~~, he scatters some magic seeds. As those seeds do not swell anywhere in the room, he concludes that there is no hidden wealth there and is about to retire. At that very moment one of the sleeping men talks in sleep about a hole in the wall and the entrance of a thief into the room and requests his friend to take the golden casket from him. Sarvilaka thinks that the man is joking at him. Incensed at being the butt of his ridicule, he is about to kill him. Suddenly he notices a jewel-casket ~~wrapped up~~ in a threadbare bath-towel in that man's hand and after some hesitation decides to take it from him. As the lamp is burning, he releases a fire-moth to put it out. The moth hovers over it in various circles and extinguishes it with the breeze of its wings. When Sarvilaka extends his right hand to take away the casket, the man complains of the coldness of his fingers (cold from their contact with water). Sarvilaka repenting his carelessness warms up his left hand by putting it in his armpit and then gently takes away the casket. At the time of escape, he hears some

foot-steps, and is about to strike but on finding that a woman is coming that way, goes away without hurting her. Kautilya⁽¹²¹⁾ also refers to the breaking of walls and tunnelling as means used by thieves for effecting entrance into a house.

House-breakers and thieves used to enter into a house by other means too. Kautilya⁽¹²²⁾ mentions the piercing of the door with a hole at the joints (sandhi) or at the hinges (bīja) to remove the wooden latch. Probably Sarvilaka refers to the opening of the door in this way with the help of the sacred thread.⁽¹²³⁾ Apahāravarman's Karkataka⁽¹²⁴⁾ (wrench ?) was probably used for boring doors, etc. Some⁽¹²⁵⁾ hold that doors were sometimes uprooted by thieves. This might have been possible in case of a hut where doors were not very strongly fixed. Probably thieves broke or pierced the eaves while trying to fix their Karkataka (crab-like grappling iron) upon the edge of the roof of a house with a view to climbing upstairs.⁽¹²⁶⁾ In the Avimāraka⁽¹²⁷⁾ the hero climbs upstairs with the help of his karkatakarajju. Apahāravarman in the Dasakumāracarita⁽¹²⁸⁾ takes also with him the Karkatakarajju. A thief, by means of his grappling iron (lizard-shaped)⁽¹²⁹⁾ climbed up to the top of a temple and knocked off the golden peacock placed there by the king. He timed his strokes to the beat of the hours, so that the sleeping guardsmen would not be disturbed. In a folk-tale,⁽¹³⁰⁾ as referred to earlier, a young thief drove nails into the wall of a queen's chamber to climb upon it. Some explain Kautilya's Arohanā-vataraneca kudiyasya vedham as making holes in house-walls by removing bricks for ascending and descending purposes.⁽¹³¹⁾ In

the light of the above tale, this seems to be quite probable. Some explain⁽¹³²⁾ Kautilya's upakhananām vā gūḍhadravyaṇiksepagrahanopāyam as digging a hole by thieves near the wall for throwing into it stolen articles from upstairs. Others, however, interpret this as 'digging up (of the ground) as a means of burying or robbing objects secretly.'⁽¹³³⁾ The latter explanation seems to be more probable for Kautilya is describing here the circumstances that indicate the part played by internal hands in the crime. If some inmates of a house commit theft in their own house, it is quite likely that they will bury the stolen goods somewhere inside the house. According to some, Kautilya's urdhvakara⁽¹³⁴⁾ refers to thieves who enter into a house by breaking its upper part or roof. But, others interpret it as 'a pick-pocket'. Sometimes robbers entered into a city through an underground water course and also escaped through the same passage.⁽¹³⁵⁾

Burglars^a sometimes buried their loot at a secluded place⁽¹³⁶⁾ at the time of escape or carried it home often with the help of poor men locally recruited.⁽¹³⁷⁾ When hotly pursued by the householders, they would throw away⁽¹³⁸⁾ the booty or pass the stolen articles⁽¹³⁹⁾ upon an innocent^c person or an ascetic. Sometimes they themselves posed as pursuers⁽¹⁴⁰⁾ and "raised a hue and cry, 'stop, O thief !'"⁽¹⁴⁰⁾ A thief with a view to camouflaging his loot carried a dead child in his arms crying, 'Alas, I am a lonely man, and now my son is dead, O Fate, O Fate !'⁽¹⁴¹⁾ They had to use many such tricks to hoodwink the people and the policemen. Thieves and robbers used many charms and spells during

their operations. These will be described in the next chapter.

Though we find many references to knot-cutting and the knot-cutters, unfortunately no details are available regarding their modus operandi. Manu, Yājñavalkya, Viṣṇu and Kauṭilya⁽¹⁴²⁾ prescribe for the knot-cutter or cut-purse 'the punishment of the cutting of the thumb and index finger for the first offence.'⁽¹⁴³⁾ This cutting of the thumb and the index finger (sāṁdamsācchedana) probably indicates that these two fingers were mainly used to cut or open knots in men's clothes. These criminals probably did their work in crowded places. In a Buddhist tale,⁽¹⁴⁴⁾ a thief accompanied a great throng to Jetavana to hear the Buddha and stole five farthings tied to the skirt of a certain man there.

Thieves often made people unconscious by causing them to eat or drink food or liquor mixed with narcotic^c drugs with a view to taking away things from their custody. As pointed out earlier, Kauṭilya⁽¹⁴⁵⁾ refers to the administering of a stupefying drink by a prince in distress to persons whom he wished to rob. In a Jātaka tale, some tipplers of Sāvātthi planned to rob the treasurer, Anāth^{aa}pindaka. "It's Anāth^{aa}pindaka's custom to wear his rings and richest attire when going to wait upon the king. Let us doctor some liquor with a stupefying drug and fit up a drinking booth in which we will all be sitting when Anāth^{aa}pindaka passed³ by. 'Come and join us, Lord High Treasurer,' - we'll cry, and ply him with our liquor till he loses his senses. Then let us relieve him of his ring and clothes and get the price of a drink."⁽¹⁴⁶⁾

In the Ghata-karpura story in the Kathāsaritsāgara,⁽¹⁴⁷⁾ the thief Ghata gave some sweetmeats mixed with thorn-apple juice

to the king's guards who were keeping watch over the corpse of his friend's body. Having thus stupefied them, he burnt the corpse. We have mentioned before how a young thief stupefied a camel-driver by persuading him to smoke gānjā (hemp) mixed with intoxicating drugs and stole his camel laden with a sack of gold mohurs. A young thief poisoned two captains of the police force and cut off the hand of the second captain. (148)

If Bloomfield's identification of dhakka, thakka, sthaga, etc. with the notorious thugs who flourished during the Muslim and British period in India is correct, the former might have also used nooses made of pieces of cloth or similar things like the thuggees to kill men and then rob them of their belongings. Some⁽¹⁴⁹⁾ trace the origin of the thugees' noose to the famous nagapāsa of the Hindus. Some⁽¹⁵⁰⁾ also claim that the earliest portrayal of a thuggee-operation is found in an Ellora fresco (seventh century A.D.) where a thug is seen springing upon a Brāhmaṇa, worshipping Śiva and the god is about to protect his devotee from the murderous attack. Herodotus⁽¹⁵¹⁾ refers to some Persian criminals who used nooses made of leather to kill people. The founder of this tribe of criminals was, according to Herodotus, Sāgarti who helped Xerxes with eight thousand horsemen. The Indians might have learnt the modus operandi from the Indian merchants or travellers visiting Persia or directly from some Persian thuggees who might have come to India and settled there in the wake of the Persian invasions in the sixth century B.C. or in later times. Nothing definite can be said

about the origin of the thuggees at the present^{^ t} state of our knowledge.[^]

Now some novel methods of stealing resorted to by resourceful thieves may be discussed. A skilled carpenter infatuated by love for a fickle dame wasted his money and was ultimately forced to take to thieving. He began to steal jewels from the king's treasury by means of a couple of swans made of wood with mechanism and strings attached to them. That pair of swans was sent out at night by pulling strings and these, entering by means of the mechanical contrivance into the king's treasury through a window, picked up jewels with their beaks and flew back to their owner. (152)

A thief, named Musala paid a visit to his friend's house (who was also a thief) and noticed a golden bowl which he decided to steal. His friend, Siddhisuta, aware of his design hung the bowl full of water on a little hammock over the bed of his friend, Musala. When he fell asleep, Musala sucked out the water by means of a hollow reed and hid the bowl in a pond. (153)

In another tale,⁽¹⁵⁴⁾ a thief used a clever trick to steal two jars of mohurs from another thief. A thief loaded two jars of mohurs upon a cow and proceeded towards his village. A second thief followed him and with a view to robbing him brought a pair of shoes embroidered with gold lace. He then ran ahead of the first thief and threw one shoe on the road. Then he ran ahead another two hundred yards, threw down the other shoe^e, and hid himself on a tree nearby. The first thief admired the shoe but did not pick it up as one shoe^e would be useless. When he

came to the second shoe, he made up his mind to collect the first, tied the cow to the tree and ran back for it. The second thief drove the cow with its load home without losing any time.

A Brāhmaṇa officer, in order to satisfy a courtesan, decided to steal the necklace of the king from his neck. When the king slept, a monkey with a sword in his hand stood near him as his guard and it was impossible for anybody to approach the king at that time without rousing him from sleep. The Brāhmaṇa took with him a snake and went near the monkey who dropped the sword in terror and withdrew his attention from the king in order to save himself from the snake. Taking advantage of his inattention, the Brāhmaṇa snatched the necklace and went away with the prize. (155) According to a folk-tale, (156) a veteran pick-pocket [^] ~~once declared~~ [^] ~~to~~ [^] ~~pull the trousers of the king out quietly.~~ [^] ~~He~~ [^] ~~picked up intimacy with some of the king's servants who massaged his body and collected necessary information about the habits, temper, etc. of the king and one day he drugged a messenger, left him in a lonely place and entered into the king's chamber in the guise of a king's retainer. When the king fell asleep, he unpacked a small wooden tube full of ants and directing one of its ends towards the king's ankles, gently blew into it. The ants entered the trousers of the king and ran up and down the legs. Feeling uncomfortable, he ordered the messenger to pull out the trousers which he did artfully. He soon lulled the king to sleep and came out of the palace with the trousers.~~ [^] ~~he~~ [^] ~~left~~ [^] ~~him in a lonely place and entered into the king's chamber in the guise of a king's retainer. When the king fell asleep, he unpacked a small wooden tube full of ants and directing one of its ends towards the king's ankles, gently blew into it. The ants entered the trousers of the king and ran up and down the legs. Feeling uncomfortable, he ordered the messenger to pull out the trousers which he did artfully. He soon lulled the king to sleep and came out of the palace with the trousers.~~

Various devices were used by a monarch to kidnap an inimical king. According to Kautilya, (157) the king may carry away

the enemy king's chiefs of ~~stores~~ and the enemy-king himself by making a tunnel with many openings up to the enemy's camp. The minister of the king of Videha engaged sixty thousand warriors, and robbers to dig a long tunnel up to the capital of an enemy king to kidnap his daughter and his other relatives because the ^{enemy} ~~king~~ ^{king} ~~latter~~ planned to capture his master by bringing him to his city with a promise to make him his son-in-law. The tunnel was well-made, big enough for elephants, horses, chariots and foot-soldiers, fitted with eighty great doors, sixty-four small doors with mechanical bolts, hundred and one bed-chambers, and many hundreds of lamp-niches. It was brightly illumined. The enemy-king, persuaded by the Videhan minister entered into the tunnel with his army and when he came out, the minister suddenly shut the door and trapped his army. The king was now at his mercy. The king of Videha fled with his bride through this tunnel. (158) ^{^ also describes other devices for capturing an enemy king.} According to Kautilya ⁽¹⁵⁹⁾ ~~under the pretext of giving land or crowning his son or giving protection, in order to create confidence, he should get him seized.~~ (159) Kautilya further says that 'keepers of elephant forests should tempt the (enemy) fond of elephants with an elephant possessed of auspicious marks. When he agrees, they should take him to a dense forest or a path allowing only one person to march at a time, and kill him, or carry him off imprisoned.' (160)

King Udayana of Vatsa was very fond of elephants. King Candā Pradyota Mahāsena captured him by deluding him with the sight of an artificial elephant. (161) Some soldiers lay concealed

in its belly. On seeing it in the Vindhya forest, Udayana, an expert elephant-catcher, approached it playing on his lute. The mechanical elephant lifted up its ears, flapped them and went into the dense forest. The king followed it hurriedly^{ad} leaving his men far behind. Then suddenly the soldiers issued from it and captured the king.

Now the devices of some of the 'open' thieves like the king's servants, dishonest traders, goldsmiths and cheats may be described, According to Kautilya,⁽¹⁶²⁾ a man shall be guilty of the defalcation of government money if he does not take into the treasury the fixed amount of revenue collected or does not spend what is ordered to be spent or misrepresents the revenue collected. According to him, there are about forty ways of embezzlement :

(1) What is realised before is entered later on; (2) what is received later ^{is} entered earlier; (3) what ought to be realised is not realised; 4) what is difficult to realise is shown as realised; 5) what is collected is entered as not collected; 6) what has not been collected is shown as collected; 7) what is collected in part is shown as collected in full 8) what is collected in full is entered as collected in part; 9) what is collected is of one sort, while what is entered is of another kind; 10) what is realised from one source is shown as realised from another; 11) what is payable is not paid; 12) what is not payable is paid; 13) payable amounts not paid in time; 14) such amounts paid untimely; 15) small gifts shown as large; 16) large gifts shown as small; 17) what is gifted is of one sort while

what is entered is of another; 18) the real donee is one while the person entered (in the register) as donee is another; 19) what has been taken into (the treasury) is removed; 20) while what has not been credited to it is entered as credited; 21) raw materials that are not paid for are entered; 22) while those that are paid for are not shown; 23) an aggregate is shown fragmentarily; 24) scattered items are converted into an aggregate; 25) commodities of greater value are bartered for those of small value; 26) what is of smaller value is bartered for one of greater value; 27) ^{price of} ~~price of~~ enhancement of the commodities; 28) lowering of the price of commodities; 29) number of nights (i.e. work-days) increased; 30) number of nights decreased; 31) the year not in harmony with its months; 32) the month not in harmony with its days; 33) inconsistency in the transactions carried on with personal supervision (samāgama visama); 34) misrepresentation of the source of income; 35) inconsistency in giving charities; 36) incongruity in representing the work turned out; 37) inconsistency in dealing with fixed items; 38) misrepresentation of test marks or the standard of fineness (of gold and silver); 39) misrepresentation of prices of commodities; 40) making use of false weights and measures; deception in counting articles; and making use of false cubic measures such as bhājana.

Dishonest traders used to cheat their customers by using false weights and measures, selling inferior or old articles as superior or new, dealing in adulterated things, replacing good articles by bad one, by sleight of hand, by raising the prices of things, etc. (163)

Several means were employed by goldsmiths to deceive people. (164) These were: (1) false balance (tulāvisame) and other methods known as (2) removal (apasārana), (3) dropping (visravana), folding (petaka), and confounding (pinka). We shall also point out in this connection the devices for detecting the deception. Balance of ⁶ending arms, high helm or pivot, broken head, hollow neck bad strings, bad cups or pans and those which ^{^ were} ~~are~~ crooked or shaking or combined with a magnet were called false balances. (165) By a mixture of two parts of silver and one part of copper (166) or only by copper, (167) an equal portion of pure alluvial gold could be replaced. By vellaka (a compound of tikṣṇa (iron) and silver in equal portion) an equal portion of gold could be removed. Pure alluvial gold could also be replaced by that gold half of which is mixed with copper. To steal gold, the goldsmiths used the following things. (168)

- (1) Crucible with a base metallic piece concealed in it.
- (2) Metallic excrement.
- (3) Pincers.
- (4) Blow-pipe.
- (5) Pair of tongs.
- (6) Metallic pieces.
- (7) Borax.

A goldsmith might cause the crucible containing the bullion to burst. Then he would pick up from the ground a few sand-like particles of gold along with some particles of base metal previously scattered there by him. Then the whole would be wrought into a mass for making coin or ornament. The goldsmith at the

time of examining the folded or inlaid leaves of an ornament might substitute silver for gold. This was known as dropping (visrāvana) 'Folding (petaka) either firm (gādha) or loose (abhyuddhārya) is practised in soldering, in preparing amalgams, and in enclosing (a piece of base metal with two pieces of superior metal).' Deception by folding was made in the following way : a lead piece was firmly covered over with a gold leaf by means of wax. It was known as firm folding. When the same was loosely folded, it came to be known as loose folding. In amalgams a piece of base metal was covered by a single or double layer of superior metal. Sometimes the goldsmith put copper or silver between two leaves of superior metal. A gold leaf could be made to cover a piece of copper. Its surface and edges were to be smoothened in that case. In the same way, a piece of any base metal could be covered over with double leaf of copper and silver. These two forms of folding could be detected by heating, testing on touchstone, by observing absence of sound while cutting or striking it or by scratching with a sharp edged object. Loose folding may be discovered by using the acid juice of badāmla (Flacourtia cataphracta or jujube fruit) or salt water. 'In a solid or a hollow article, gold-mixed earth or the pulp of maluka and vermillion, when heated, remains (embedded). Or, in an article with a firm base, lac mixed with sand or the paste of red lead when heated, remains (embedded). Of these two, heating or breaking is the (test of) purity.

Or, in an article containing an encircling metal, salt heated by a fire-brand along with soft ^a pebbles, remains (embedded).

Boiling is (the test of) its purity'.⁽¹⁶⁹⁾ By means of wax, mica could be fixed inside a piece and then it would be covered over with a double leaf (of gold and silver). This could be discovered by suspending the piece in water. Then one of its sides would dip more than the other. There is another method to find out the deception. If such a piece is pierced by a pin, it will go very easily in the layers of mica in the interior. In compact and hollow pieces, real stones, gold and silver might be replaced by spurious stones, and counterfeit gold and silver. These could be detected by hammering the pieces when red hot. A goldsmith could perpetrate deception while examining new pieces or repairing old ones by hammering, cutting scratching and rubbing.⁽¹⁷⁰⁾ In the first case (hammering), the goldsmith under the excuse of detecting the deception called folding (petaka) in hollow pieces or in threads or in cups of gold or silver, would hammer the articles in question. In the second case, a lead piece covered over with gold or silver leaf would be inserted within a thing made of gold after removing an equal portion of pure gold from its inside. When compact pieces were scratched by tiksana (a sharp weapon) it was called scratching (ullekha). When gold or silver articles were rubbed by a piece of cloth be smeared with the powder of sulphuret of arsenic, red arsenic (or vermillion or the powder of Kuruvida (or black salt ?) it was called rubbing. All these acts caused diminution of metal in the gold and silver articles. In these cases, loss could be estimated by comparing them with intact pieces of similar kind. In amalgamated pieces (avalepa) which

were cut off, loss could be inferred by cutting of an equal portion of a similar object. 'Those pieces, the appearance of which has changed, shall be often heated and drenched in water'. '(The state goldsmith) shall infer deception (kācam vidyāt) when [the artisan preparing articles pays undue attention to] throwing away, counterweight, fire, anvil (gandika), working instruments (bhandika), the seat (adhikarāṇī), the assaying balance, folds of dress (cellacollakam), his head, his thigh, ^{flies, eagerness to work} at his own body, the waterpot, and the firepot.' (171) Regarding silver, bad smell like that of rotten meat, hardness due to any alloy (māla), projection and bad colour would indicate adulteration. In the folktales, goldsmiths are found stealing gold in several other clever ways. (172) A goldsmith ordered to make an elephant out of a hundred loads of gold made a hollow elephant with only one-fourth of that gold and filled the cavity with lead.

In another tale, a goldsmith ordered by the king to make a necklace of jewels set in gold, worked on the necklace by day before the king and by night began to make a similar necklace of glass and brass. While he worked on the palace-roof, he used to throw pieces of meat which were snatched away by a vulture everyday. When the two necklaces were prepared, he put the fake one into his pot of water and ~~smear~~ took it into the palace. Then he painted the real one with red chalk and threw it into the same pot. He then took out the fake one and placed it on the roof. When the vulture flew off with it, he began to bewail his fate. The king taking it to be an accident consoled him and the latter went away with the genuine necklace.

A goldsmith persuaded a woman to exchange her necklace in the midst of which was embedded a valuable jewel for a silver one. In other stories goldsmiths even deceived their mothers. A woman wanted to have some ornaments made out of a gold-frog which was her heirloom. As she distrusted the goldsmiths, her son was engaged to learn goldsmithery. When he became a goldsmith, the son put a live frog unobserved by his mother among the ashes of his fireplace and in his mother's presence put the gold frog among those ashes and began to blow the fire to melt it down. Feeling uncomfortable, the live frog came out and hopped away. The goldsmith cried out, 'your frog has gone away'. The mother began to curse her fate. Another goldsmith made a bangle of pure silver for his mother but could not sleep comfortably until he recast it with a large admixture of alloy of base metal. A goldsmith stole gold before many on the deck of a ship. He stirred the molten gold with habarala leaves (colocasia macrorhiza) to the stalks of which small quantities of gold adhered, and threw them down into the water. The waves washed them to the shore and he collected them in the evening. A king engaged a goldsmith to make a crown of pure gold under the close supervision of his officers. The goldsmith made a similar crown at his home with a considerable ^{alloy} ~~allery~~ of base metal. When both the crowns were prepared, he told the king to arrange some ceremonies at the royal tank, during the presentation of the crown. In the previous night he ^{deposited} ~~put~~ the fake crown in the tank. During the ceremony, he dipped into the tank thrice with the genuine crown in his hands and rose to the surface twice with it. But at the last time he rose with the fake crown and gave it to the king.

As a cheat was regarded as an 'open' thief, we may here narrate a few tales of cheating illustrating the modus operandi of cheats. At Ratnapura, there lived two rogues named Śiva and Mādhava surrounded by their followers. They used to rob the rich by making use of trickery and when all the moneyed men of that town were plundered, they decided to go to the city of Ujjayinī to cheat Śāṅkarasvāmī, the greedy chaplain of the king, and marry his beautiful daughter. At Ujjayinī, Śiva posed as an ascetic and won great fame by performing amazing austerities. Mādhava remained outside the town in the guise of a Rājput. At night they met secretly. Mādhava gave rich presents to the chaplain and requested him to take him into the services of the king. He also gave out that being tortured by his relatives he had come here with his huge inherited wealth. The covetous chaplain secured a service for him and requested him to live in his house. Mādhava deposited a chest full of false gems in the chaplain's strongroom. Occasionally he would open the chest and by half-showing some of the jewels to the chaplain captivated his mind. Then one day he feigned illness and for recovery decided to bestow his wealth upon some distinguished Brāhmaṇa. As none was considered by him to be eligible, one of his attendants told the chaplain that the ascetic Śiva might be the right person. With great difficulty the chaplain persuaded Śiva to accept the gift and then marry his daughter. Śiva was chosen by Mādhava and the marriage ceremony was also celebrated. Śiva then requested the chaplain to keep the treasure for him.

In the meantime, Mādhava declared that as a result of the gift, he had come round. After some time, Śiva told his father-in-law to take his jewels and to give him a fair price for them. The chaplain gave his whole living to Śiva as purchase money. Śiva signed a receipt for the sum and the chaplain also signed a receipt for the jewels. Soon the chaplain found out that the jewels were sham and demanded the money given by him to Śiva. As the latter refused to pay it back, he went to the court. Śiva said that he had never seen the jewels and it was the chaplain who forced him to accept the chest. Mādhava gave out that ^{the jewels} ~~it was~~ ^{were} his inherited wealth and though now proved to be sham, he had recovered from illness by making a gift of them to the pious ascetic, Śiva and were therefore very precious to him. The judges laughed and acquitted the cheats. (173) In another tale, (174) three rogues got a plump he-goat by cheating a Brāhmaṇa. While the latter was going towards his village with that goat on his shoulder, one of the rogues abused him for carrying a dog. The Brāhmaṇa called him a blind man and proceeded towards his destination. After some time, the second rogue met him on the way and reproached him for carrying a dead calf but the Brāhmaṇa moved on without paying heed to his words. When the Brāhmaṇa walked a little farther, the third rogue met him and cried shame upon him for carrying an ass. This time the Brāhmaṇa thought that he was certainly in the wrong, threw the goat on the ground and went away hurriedly. The rogues merrily feasted on it.

Though we have innumerable references to robbers and their raids and depredations, our knowledge regarding their modus

operandi is very inadequate. It is, however, clear that robbers always moved and attacked in bands and generally infested forests, highways and deserts. They, as pointed out already, attacked villages, towns, travellers and caravans. Before launching an attack upon towns or villages, robbers generally tried to collect necessary information through their spies. Some robbers being informed of the departure of a rich man from his house for the purpose of visiting a distant village, armed themselves to the teeth and surrounded his house at night. But when an inmate raised a hue and cry, they fled saying, 'The house is not so empty as we were told; the master must be at home.' (175) Some robbers attacked a large town which had been selected by their spies before hand. (176) Five hundred robbers, bent upon plundering a rich man, learnt from their spies that he had set out with his caravan on a journey. They followed him at once and going ahead of him, lay concealed in a road-side forest waiting for the merchant. As the merchant halted in a village, the robbers sent a man to find out his plans. He went to a friend living in that village and learnt from him that the merchant would leave the village on the third day. Now this villager informed the merchant of the impending attack, obviously to get a handsome reward. The merchant then decided to return home. The villager promptly informed the robbers of the change in the merchant's plan and the latter decided to attack him on his way home. The villager lost no time in communicating the robbers' decision to the merchant who then decided to remain where he was. (177) Sometimes robbers preferred to attack a caravan when it was not well-guarded

or when its members were asleep. A caravan once encamped in a forest at night and all went to sleep except a lay brother who kept on pacing to and fro. The robbers who surrounded the camp took him for a sentry and said, 'If he sees us, he'll give the alarm; wait till he drops off to sleep and then we'll plunder them'.⁽¹⁷⁸⁾ Sometimes robbers raided villages in collusion with village-officers.⁽¹⁷⁹⁾ A robber-chief disguised as an ascetic lured travellers to his village to rob them with the help of his followers.⁽¹⁸⁰⁾ Once he met Agadadatta and offered him to travel with him to Sankhapura and put some gold in his keeping. When they came to a forest, the ascetic said that his friends who were rich cowherds living in a nearby village would certainly entertain them if he requested them to do so. He then went to that village and brought pails of rice boiled in milk, ghee and sour milk. Agadadatta became suspicious of the ascetic's design and declined to eat on the plea of indisposition. Though he warned his companions by a sign, they ate the viands and fell unconscious. The robber attacked Agadadatta but was himself killed by him.

Robbers generally attacked with a blood-curdling yell. Once a person began to make a noise, increasing the volume of the noise until it sounded as if a band of thieves were about to make an attack.⁽¹⁸¹⁾ It is said that a strong band of robbers generally attacked a caravan in the front while a weak one attacked it in the rear.⁽¹⁸²⁾ Forest-robbers sometimes used trained birds to alert them about the passing of rich travellers through their forests. Such a bird chuckled from his cage: 'Come,

come, my masters ! Here comes somebody riding a horse. Bind him, bind him ! Kill him, kill him ! ,⁽¹⁸³⁾ In a Bhil village in a jungle, an old bird in a cage began to sing when it saw some travellers passing by that village. The robber-chief could understand the meaning of the sound made by birds. So he realised the bird's intention and cried to his men, 'Listen to what this bird tells us. He says that there are ^Cpreyious gems in the possession of yonder travellers on the trail and that we ought to stop them. Catch them, and bring them here.'⁽¹⁸⁴⁾ The robber-chief failing to find jewels in the travellers' clothes and bodies said, "I have tested this bird time and again, and he never tells a lie. Now he says there are gems in your possession . . . If this bird says the thing over and over, the gems are certainly there, in your stomachs.'⁽¹⁸⁵⁾

Robbers generally used bows and arrows, clubs, stones, swords, shields, spears, battle-axes and other weapons.⁽¹⁸⁶⁾ Here are two samples of their raid. A robber-chief named Citāya once decided to commit robbery in the house of Dhanna in Rājagṛha. Having equipped themselves well with swords, bows, arrows, and various other weapons, he and his followers marched towards the city amidst the beating of drums, opened the city-gate by reciting the lock-breaking charm and sprinkling some water on it from his bag. Then they rushed into the city challenging the citizens to stop them if they could and raided Dhanna's house. They took a huge amount of wealth and carried ^{^ off} ~~ee~~ Dhanna's daughter to their forest.^(186a) Kalidāsa describes an attack upon a caravan by some forest-robbers. 'There appeared a band of waylayers . . . bow in

hand and shouting, with their chests tied with quiver-traps, wearing plumes of peacock's feathers that hung down to their ears and with their onset very hard to bear.' The guards of the caravan were repulsed after a brief fight, some people were killed and a beautiful princess was carried away by them. (187)

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REFERENCE

1. Menu, IX. 276; Brhaspati quoted by the Vyavahāraprakāśa, Chowkhamba Sanskrit Series, p. 388; Vyāsa quoted by the Smṛticandrikā, ed. J.R.Gharpure, II, p.318; Daśakumāracarita, pub. V.Ramaswamy Sastrulu and Sons, Chap. II, p. 96 (sandhim chittvā); Mṛcchakatika, Act III. 17, etc.
2. The Jātaka, ed. Cowell, Vol. V, No. 537 (Mahāsutasoma Jātaka).
3. M. Bloomfield, in AJP, Vol. XLIV, p. 114.
4. Daśakumāracarita, op.cit., p. 120, 168; Kādambarī, ed. Haridas Siddhantavagisa, p. 263.
5. Daśakumāracarita, op.cit., p. 39. Surungā, a subterranean passage is derived from Greek Syrinx. It occurs 'in connection with siege operations, or burglaries, or love intrigues in political and technical works'. See M. Winternitz's 'Surungā' and the Kautilya's 'Arthasāstra' in IHQ, Vol. I, pp. 429ff. See also Otto Stein's article in Zeitschrift für Indologie und Iranistik, III, 2, 1925, pp. 280-318. The escape of the Pāṇḍavas from the Jatugrha through a tunnel is well known. See the Mahābhārata, Adiparvan.
6. Rauhineyacarita, 155, 156, 178, 325[^]_^ cited by Bloomfield, loc.cit.
7. Bloomfield, loc.cit. For Kṣātra or Khatta, see the Jñāta-dharma-kathasūtravṛtti by Abhayadevasūri (1046 A.D.), pub. Āgamodaya Samiti, Bombay (1919), p. 239, and Vyavahārasūtravṛtti by Malayagiri (12th century A.D.), ed. Muni Māneka, Ahmedabad, Part III, p. 77; B.J.Sandesara and J.P.Thaker, 'Some Important Vocables from Sanskrit Commentaries on Jaina Canonical Texts' in Journal of the Oriental Institute, Vol. XV, March-June, 1966, Nos. 3-4.

- ^ cited by
8. Rauhineyacaritra, 72 and 154, ^ trans. Bloomfield in AJP, p.115.
 9. Mrcchakatika, Act III, ^ Ryder, p. 52: 'It looks as if a second door had been thrown open.'
 10. Parisistaparva, II. 170; Bloomfield, op.cit., p. 116. ^ Vol. XLIV,
 11. Mrcchakatika, Act III. 13.
 - 11a. Vistirna may also be translated as 'oblong'. See Ryder, op.cit., p. 47.
 12. It is translated by Ryder (op.cit., p. 47) and R.G.Basak (IHQ, Vol.V, pp. 312ff.) as 'cross' and 'the magical diagram' respectively. According to W.Crooke (Popular Religion and Folklore of Northern India, Vol.I, p.11), svastika probably represents the sun in his sojourn through the heaven. In ancient times, the sun was the patron-deity of thieves. Crooke points out that the Aheriyas, a thieving tribe of the Central Doab, worship the sun.
 13. Cārudatta in the Mrcchakatika describes this breach thus :
Aho darsāniyo 'yam sandhih*/
Uparitalanipātiteṣṭako 'yam sīrasi
tanurvipulās*ca madhyadesā ^
Asadrśajanasaṁprayogabhṛorhrdayamiva
sphutitaṁ mahāgrhasya // (III. 22)
 14. Cārudatta, III. 9 :
Siṁhēkrāntaṁ pūrnacandraṁ jhaṣāsyam
candrārdham vā vyāghravaktraṁ trikonam /
Sandhicchedah pīthikā vā gajāsyamasmatpaksya
Vismitāste katham syuh /

For quadrangular holes made by modern thieves, see Ambica Charan Bose's 'A Hand Book of Criminology, p. 247.

15. Bloomfield, ^{^Vol. XLIV,} op.cit., p. 115.
16. Bloomfield, op.cit., p. 115. Loc. cit.
17. Bloomfield, op.cit., p. 115. Loc. cit.
18. Mrcchakatika, III. 9.
19. Bloomfield, loc.cit.
20. ^{^J. J. Meyer,} Hindu Tales, p. 231.
21. Ibid., p. 253.
22. Mallināthacarita, 7.804 cited by Bloomfield, loc.cit.
23. J.C.Jain, Life in Ancient India as Depicted in the Jaina Canons, p. 67. For modern shapes of holes, see Ambica Charan Bose's A Hand Book of Criminology, pp. 187, 247.
- The Sanmukhakalpa (ed. D.George, p. 13) refer to shapes of holes as simhamukha and rāksasamukha.
24. ^{^Vol. I,} The Jātaka, op.cit., No. 26.
25. Mrcchakatika, III. 13 : . . . tatkasmin deśe darsayāmyāt-
masilpam . . . dr̥stvāsvo yam yadvismayaṁ yānti pauraḥ.
Mrcchakatika, ed. Haridas Siddhantavagisa^h, p. 216 : tadatra
pakvestake pūrnakumbha eva sobhate tamutpādāyāmi /
Bhāsa's Cārudatta, III. 9 : Simhākrentam pūrnacandram . . .
Sandhicchedaḥ . . . asmetpekṣyā Vismitāste Katham syuh /
26. Mrcchakatika, III. 14 :
Anyāsu bhittisu mayā/nisī pātitaṣu
Kṣārakṣatāsu Viśamāsu ca Kalpanāsu /
Dr̥stvā prabhātasamaye prativeśivargo
Dosāṁśca me vadati karmāni kausalamāca //

Ryder (op.cit., p. 48) translates this passage thus :

'At other walls that I have pierced by night
And at my less successful ventures too,
The crowd of neighbours gazed by morning light,
Assigning praise or blame, as was my due.'

27. Dasakumāracarita, ^{^ ed.} trans. N. Bhaktevatsalam, p. 25. ^{^ trans.}
28. Dasakumāracarita, ^{^ ed. N. Bhaktevatsalam,} ^{^ op.cit.} p. 119.
29. Ibid., Notes, p. 21.
30. Dasakumāracarita, ed. N. Bhaktevatsalam, pp. 113-20.
31. Dasakumāracarita, pub. Ramaswamy, p. 39.
32. Ibid., pp. 168-69.
33. Buddhist Legends, ~~in~~ Harvard Oriental Series, Vol. XXVIII, pp. 307ff.
34. Ibid., Vol. XXX, pp. 256ff.; see Bloomfield in AJP, op.cit., p. 116.
35. Dasakumāracarita, op.cit., pp. 94ff.
36. Ibid., p. 100.
37. Ibid., p. 120.
38. Kautilya, IV. 6.
39. Yājñavalkya, II. 268.
40. Buddhist Legends, ^{^ Vol. xxx,} op.cit., pp. 256ff.
41. Lal Behari Day, Folk Tales of Bengal, pp. 171ff.
42. S. L. Sadhu, Folk Tales from Kashmir, p. 91.
43. Ibid., See the Story, 'Mahādeva', pp. 159 ff.
44. Mṛcchakatika, ed. N. R. Acarya, p. 236 :
Esah sandhirdvābhyāmeva datto bhavet /
Athavā āgantukena śikṣitukāmena vā /
Anyathā iha ujjayinyām kaḥ asmākam
grhavibhavam na jānāti ?
^{^ Mṛcchakatika,}
Ibid., III. 23 : Vaidēśyena kṛto bhavenmama grhe
vyāpāramabhyasyatā.
45. Ryder, Mṛcchakatika, p. 49.

46. Carudatta, ed. and trans. C.R.Devadhar, p. 30.
47. ^{^ J.J. Meyer,} Hindu Tales, p. 231.
48. Pārsvanātha caritra, 8. 139; Samarādityasamksepa, 4. 183;
Jacobi's ^{^ in} Ausgewählte Erzählungen Māhārāstri, p. 67, cited
by Bloomfield, in AJP, Vol. XLIV, p. 121.
49. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 196.
50. Commentary on the Uttarādhyayana, 4, cited by J.C.Jain,
op.cit., pp. 67ff.
51. Kali Pada Mitra in IHQ, Vol. XV, p. 78; Bloomfield, op.cit.,
^{^ Vol. XLIV,} p. 206.
52. Mahābhārata, I. 5560; 12. 5292^b, 5593^a, ^{^ cited} quoted by Bloomfield
in his essay, 'On False Ascetics and Nuns in Hindu Fiction'
in JAOS, Vol. XLIV, p. 205.
53. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 209.
54. J.J. Meyer, Hindu Tales, p. 252. Modern thieves and robbers
too often sham the get-up of fakirs, vairāgis, and the like.
^{^ The} W.Crooke, Tribes and Castes of the North-Western Provinces
and Oudh, Vol. I, pp. 101, 231-2.
55. Hemaviṣaya's Katharatnākara, trans. Hertel, Vol. I, p. 10;
^{^ Vol. XLIV,} Bloomfield, op.cit., p. 228. see ^{^ the} Kathās, ^{^ trans. Tawney, ed. Penzer,} op.cit., Vol. I,
pp. 175ff. for a cheat called Siva who assumed the disguise
of an ascetic; also see Vol. IV, p. 235.
56. Jacobi, op.cit., pp. 65ff.; Bloomfield in AJP, op.cit., p. 196.
57. Bloomfield in JAOS, op.cit., p. 205.
58. Daśakumāracarita, op.cit., p. 95 : nīlanivasanārdhorukaperihita
According to Ambica Charan Bose, op.cit., pp. 232ff., the
Mina's of Rajasthan and East Punjab (a criminal tribe) 'usually
cover their bodies with a piece of ash-coloured cloth' at the
time of entering into others' houses for stealing.

59. Bloomfield, ^{in AJP,} op.cit., pp. 203ff.
60. Kathās., op.cit., Vol. VIII, Appendix, p. 216.
61. Kathās., op.cit., Vol. VI, pp.36ff. According to Ambica Charan Bose, op.cit., p. 232, 'A Magahiya when ⁱⁿ committing a burglary usually smears his body with oil or grease to enable him to slip out of the grip of any who seizes him.' Modern thieves wear at the time of thieving only a loin cloth and also use a mixture of oil and ripe bananas to make their bodies greasy. See Manoj Basu ^{(in Bengali),} ~~'s Bengali novel,~~ Nisikutumba, Vol.2, p.132; Panchanan Ghoshal, Aparādha Vijnāna (in Bengali), Vol. 2, p.203.
62. Kautilya, IV.6; trans. Shamasastri, p. 244.
63. Ryder, Mrcchakatika, p. 46.
64. C.R. Devadhar, Bhāsanātākacakram, pp. 138, 141-42. In J.J.
65. Meyer's Hindu Tales, pp. 231ff., a thief before commencing his work, girded up his loins.
65. Devadhar, op.cit., p. 140.
66. Dasakumāracarita, op.cit., p. 140.
67. Dasakumāracarita, trans. Ryder, pp. 66ff. (Dhūrjatīkētha-kalmāśakālatame tamasi).
68. Mrcchakatika, Act III. 9ff. See Avimārake, III. 2.
69. C.R.Devadhar, op.cit., p. 138; Dasakumāracarita, pub. Ramaswamy, p. 95. Probably Śarvileka in the Mrcchakatika was also armed with a sword because he was about to kill the maidservant at the time of his escape. See J. J. Meyer's Hindu Tales, p. 252.

70. For Phanimukha, see the Dasakumāracarita, loc.cit.; for Uragāśya, ibid., pp. 120, 138. The scoop used by modern burglars may be of various sizes and shaped. It is generally half a cubit long and made of iron. See Panchanan Ghoshal, op.cit., Vol. 2, p. 204; 'Neharāna' is another name of the scoop used by thieves to dig a hole in the wall. See Journal of the Oriental Institute, Vol. X, No.1, p.13; D.C.Sircar, Indian Epigraphical Glossary, p. 210.
71. J.J.Meyer, Hindu Tales, p. 253.
72. Mrcchakatika, Act III; Cārudatta, Act III.
73. Dasakumāracarita, op.cit., p. 95.
74. Loc.cit., Divyāvadāna ^{^ cited} quoted by Bloomfield in AJP, Vol.XLIV, p. 118. Bloomfield (loc.cit.) also ^{^ says that} cited Dharmacandra's Malayasundarī-Kathoddhāra (Hertel, Indische Märchen, p.188) and Hemavijaya's Kathāratnākara, story 129 ^{^ refers to} for the Lizard-shaped grappling iron.
75. C.R.Devadhar, Bhāsanāṭakacakram, p. 141 :
- Etad rājekulam / Aho sthiratvamucchritatvām prākāśya /
Yadi sthirāḥ kapisīrsakāḥ / Iha sthitvā rajjūṃ prakṣipāmi /
. . . (rajjūṃ kṣiptvā) hante baddhāḥ karkṣakarakarajjvā
kapisīrsakāḥ /
76. The hero in the Avimāreka (C.R.Devadhar, loc.cit.) says :
- Bhavatu rajjūṃvalembyārohami /
Bhavatu anayaiva rajjvāvatarisyāmi /
77. See the editions of the Dasakumāracarita (Chap. II), by M.R. Kale and N.Bhaktavatsalam for the meaning of the Karkṣa-karajju.

78. Dasakumāracarita, ed. Gurunath Vidyanidhi, Calcutta, p. 235 :

Kerkatākṛtiyantravīśeṣaḥ yena dhartumudyatasyajanasya aṅgaṁ
ksata vīksataṁkṛyate. Modern thieves use an iron-chain wrap-
ped in leather or rubber with a hook fixed in one end of it
for climbing purposes; Panchanan Ghoshal, op.cit., Vol. 2,
p.206. In the Dasakumāracarita, pub. V. Ramaswamy, p.140,
Upaharavarmā crossed a moat (parikhā) by laying a bamboo-
pole crosswise and rampart by placing ^{the pole} it erect (Venuyastimādāya
tayā sāyitayā ca parikhāṁ, sthāpitayā ca prakārabhittimalaṅ-
ghayam /)

79. Bloomfield, in AJP, op.cit., p. 118.

80. C.R.Devadhar, loc.cit.

81. Dasakumāracarita, op.cit., p.95. Bloomfield, op.cit., ^{Vol. XLIV,} p.117.

'Nidrāti yāgati veti bodhanārtham kalamadhuradhvani-

vādyavīśeṣaḥ iti Gurucaraṇaḥ /

'Kakalī tu kele sūkṣme dhvanau tu madhurāspṛute' ityamarāḥ /

See Dasakumāracarita, pub. Nirṇaya sāgara Press, p.98

(Commentary).

82. Dasakumāracarita, pub. V. Ramaswamy Sastrulu and Sons., p. 96

(Commentary).

83. Cārudatta, III. 10 :

Adyāsyā bhittisu mayā nīśi pātitaṣu

Chedāt samāsu sakṛdarpitakākalīsu /

Kālyāṁ Viśādavimukhaḥ prativesāvargo

Doṣāṁśca me vadatu karmasu kauśalam ca //

(When to-night I shall have breached the walls of this (house),
leaving them even after cutting, and applying the cutting ins-
trument but once, the neighbours with gloomy faces will at dawn,

83. (contd: from page 111)

tomorrow, condemn my crime but praise my skill²). Carudatta, ed. and trans. C.R. Devadhar, p. 30. Modern thieves generally throw stones at house-doors to ascertain whether the inmates are asleep or not. (Panchanan Ghoshal, op.cit.^{Vol. 2}, p. 215.)

84. Dasakumaracarita, op.cit., p.95; Mrcchakatika, ed. Kale, p. 116. A mediaeval Telegu inscription refers to 'poy-tala' or 'falsehead' which is stated to have been a thief's appli-
cance. JAHRS, Vol. XXVII, p.27. Modern thieves of Bengal shove a sooty earthen cooking-pot fixed on the head of a pole through the hole.

85. R.G.Basak, 'Indian Society as Pictured in the Mrcchakatika in IHQ, Vol. V, pp.312ff.

86. Bloomfield in AJP, Vol. XLIV, p.206. A thief called Cora-
cakravarti^h pushed a mutilated hand through a hole to ascertain if anyone was awake in the room. (Chintaharan Chakravarti, 'The Art of Stealing in Bengali Folk-lore' in Siddha-Bharati, Hosiarpur, Vol. I, pp. 230ff.

87. Dasakumaracarita, loc.cit.; Mrcchakatika, op.cit., p. 114.

88. Mrcchakatika, III. 16 : For the original verse, see Chapter II, Reference No. ²⁵24. D.C.Sircar, Calcutta Police Journal, Vol. I, No.1 (1953), pp.6ff. Cf. Carudatta, Act III (lines before verse 10) :

Sajjalakah - Atha kenedānim sandhicchedamārgah sūca-
vitavyah syāt / Nanvidam divā brahmasūtram rātram^h
Karmasūtram bhaviṣyati //.

A robber in J.J.Meyer's Hindu Tales, p.253, 'scratched ^hthe outlines ^ha breach on a rich merchant's lowering palace, on a part of the wall that was easily broken through.'

89. Mañoj Basu, op.cit., Vol. 2, p. 19.

[^]Vol. XLV,

90. Bloomfield in AJP, p.118.

'Yasyāḥ prajvalanāt sarvatra sarpāḥ eva

locanagocarā bhavanti / ^B

. Yet prabhayā mohamupayānti janāḥ' iti bhūṣanā.

See [^]Dasakumāracarita, pub. Nirṇaya sāgara Press, p.98.

91. Dasakumāracarita, pub. V. Rameswamy Śāstrulu and Sons., pp. 95, 142. Modern thieves use small torches or lanterns with chimneys dyed black. Upahāravarman while entering into the royal palace at night used 'a covered lamp slightly open (isadvivṛtasamudgakah). See Kale, Dasakumāracarita, Motilal Banarāsidas, 4th ed., 1966, p.78.

92. Dasakumāracarita, [^]pub. V. Rameswamy, op.cit., p. 95.

93. Mrcchakatika, ed. Kale, p. 118.

94. C.R.Devadhar, Bhāsenātakacakram, p. 230.

95. Dasakumāracarita, [^]pub. Rameswamy, op.cit., p. 95. Mrcchakatika, op.cit., p. 114.

96. D.C.Sircar, op.cit., [^]Vol. I, No. I, pp. 6ff. Burglars now smoke bidis (Indian cigarette) made of tobacco mixed with narcotics to deepen the slumber of the sleeping people in a room. (Panchanan Ghoshal, op.cit., [^]Vol. 2, p. 215). Sometimes they burn some dry leaves like incense for the same purpose.

97. Mrcchakatika, III. 15. According to M.R.Kale, Yogacūrṇa was used to find out treasure: nidhipradarsakamausadham. (See [^]Dasakumāracarita, [^](Chap. II) ed. Kale).

ed. Kale,

98. Mrechakatika, loc.cit., sphāri bhavati. Modern burglars, on entering into a darkroom at night, scatter some dry grains all around. If they hit some brass-vessels, the sound produced thereby enables them to locate the utensils noiselessly.
99. J.C.Jain, op.cit., p. 67. Now-a-days a house-breaker keeps a leathern water-bag fastened to his waist and sprinkles water from it upon doors or iron rods before drilling or cutting them. (Panchanan Ghoshal, op.cit., ^{Vol. 2,} p.209).
100. Mrechakatika, ed. Haridas Siddhantavagisa, p.219 : Cikitsām-krtva / The Dasakumāracarita, pub. V. Ramaswamy Sastrulu and Sons, pp. 95-96 enumerates the appliances of Apahāravarman thus :

baddhatikṣṇakaukseyakah, phanimukhekēkalīsandamsakapurusa-
sirśakeyogacūrnayogavartikāmānasūtrakarkatakarakajjudīpa-
bhājanabhramarakarandekaprabhṛtyanekopakaraneyaktah, etc.

See also p. 112.

101. Dasakumāracarita, op.cit., p. 96; Mrechakatika, Act III.
102. J.J.Meyer, Hindu Tales, pp. 231ff., 253; Bloomfield in AJP, op.cit., p. 207.
103. Dasakumāracarita, op.cit., p.100; J.C.Jain, op.cit., p. 67; Buddhist Legends, op.cit., Vol. XXIX, pp. 121ff.
104. Buddhist Legends, ^{op.cit.} Vol. XXX, pp. 256ff.
105. The Minor Anthologies of the Pali Canon, Part IV, pp. 141ff.
106. Buddhist Legends, op.cit., pp. 256ff. loc.cit.
107. Dasakumāracarita, op.cit., p. 112.
108. Mrechakatika, ed. Kale, p. 122. See also p.118. In modern India, ⁶ burglars operate either singly or in groups (generally consisting of four to ten persons). [Panchanan Ghoshal, ^{Vol. 2,} op.cit., p.203]

109. J.C.Jain, op.cit., p. 67.
110. Bloomfield in AJP, op.cit., p. 207.
111. Panchanan Ghoshal, op.cit., ^{Vol. 2,} pp. 218ff.
112. Mṛcchakatika, III. 9 :
~~Kṛtvā sarīrēparināhasukhapravesam~~
~~Sikṣābalena ca balena ca karmamārgam /~~
~~Gacchāmi bhūmiparisarpanāghr̥stapārsvo~~
~~Nirmucyamāna iva jīrnatēnur bhujāṅgaḥ /.~~
113. Daśakumāracarita, op.cit., p. 120.
114. Mṛcchakatika, III. 12. For the original verse, see Chap.II, ^{Vol. I, No. I,} Reference No. 20; D.C.Sircar, op.cit., pp. 6ff (Section 3).
~~According to Kale (Mṛcchakatika, pp. 64ff), 'The Sāstra~~
~~advises thieves to avoid the sight of women; for, women~~
~~being light in their sleep might at once raise an alarm~~
~~on beholding a thief, and no violent hands can be laid~~
~~on them.'~~ ^{and trans.} ^{The Carudatta,}
115. Carudatta, ed. Devadhar, p. 29. See Act III. 8: Bhittinām
~~kva nu darsitāntarasukhaḥ sandhiḥ karālo bhavet /~~
116. D.C.Sircar, op.cit., ^{Vol. I, No. I,} pp. 6ff.
^{Mṛcchakatika,}
117. Ryder, ^{s-trans.}, p. 48.
118. Daśakumāracarita, ed. N.Bhaktavatsalam, p. 96 : gr̥he
~~sandhiḥ chittvā, patabhēksasūksmācchidreḥ lakṣitāntaragr̥ha-~~
~~pravṛttih, etc.~~ ^{Vol. XLIV,} M. Bloomfield, op.cit., p. 117; See Ryder,
Daśakumāracarita, p. 67.
119. J.J.Meyer, Hindu Tales, p. 253. Before entering into a
house, the thief Mahābala in the Pārśvanatha-carita ^{Ar} peeped
into it through a lattice window. See Bloomfield in AJP,

119. (contd: from page 115)

Vol. XLIV, p. 219. Thieves generally entered the holes legs first for safety. In case of their legs being caught by the inmates of a house, they might be pulled out by their companions standing outside. (J.C.Jain, op.cit., p.67). Even if the legs were hurt or cut off by the householders, the thieves might escape alive unidentified. In a hopeless case, the friends of a burglar would cut off his head to avert the danger of identification. In a Tibetan tale, a cunning apprentice advises his master who is about to enter into a breach head first to go in legs first for 'if the head should be cut off, its owner would be recognised, and his whole family plunged in ruin.' (Bloomfield, op.cit., pp. 118, 207). According to a North Indian folk tale, when a thief was entering into a house through a hole legs foremost, the housewife cut them off with a sword. The thief crawled to his house and gave out that he had cut off his legs as they were ^{^ bitten} beaten by a snake (W.Crooke, Folk-Tales from Northern India, p. 2).

120. Mrechakatika, III. 18; D.C.Sircar, op.cit., pp. 6ff. ^{^ Vol. I, No. I,}

121. Kautilya, IV. 6; trans. Shamasastri, p. 244.

122. Ibid., see Kautilya, ed. R.P.Kangle, Part II, p. 313, note 16. Kautilya, IV.6 :

Karmābhigrahasu - musitavesmanah pravesanīskasanamadvārena
dvarasya sandhinābījēna vā vedhamuttamāgārasya jālabatāyana-
nīvravedhamārohaṇāvatarane ca kudyasya vedhamupakhananam vā,
etc.

Contd: . . .

122. (Contd: from page 116)

Modern thieves sometimes dig holes called baglisind near the door so that a hand may be passed ^{through it} to lift the bolt.

Ambica charan Bose, op.cit., p. 187.

123. Mrcchakatika, Act III.

124. Dasakumāracarita, Chapter II. See M.R.Kale, Dasakumāracarita, (translation), p.54.

125. R.P.Kangle, loc.cit.

126. Kautilya, IV. 6.

127. Avimāraka, Act III.

128. Dasakumāracarita, pub. Ramaswamy, p. 95.

129. Hemavijaya's Kathāratnākara, No.129, trans. Hertel, Vol. II, pp. 60ff.; Bloomfield in AJP, Vol. XLIV, p. 212.

130. Lal Behari Day, op.cit., pp. 171ff.

131. Kautilya, trans. R.G.Basak, Vol. II (1967), p. 21.

132. Loc. cit.

133. Kautilya, trans. ^{ed. and} Kangle, Pt.II, p. 313.

134. Kautilya (IV.10), ^{trans. R.G.Basak, Vol. II, 1967, p. 34.} trans. R.P.Kangle, ^{Pf. II,} op.cit., p.325, note 1.

Modern thieves also enter into a house by cutting a portion of the thatched roof or making a hole in the roof. Generally the boring of the hole requires several nights' labour.

Ambica Charan Bose, op.cit., pp. 232ff., Panchanan Ghoshal, ^{Vol. 2,} op.cit., p. 218.

135. Buddhist Legends, op.cit., Vol. XXIX, pp. 121ff.

136. Dasakumāracarita, op.cit., p.100; Kathās, op.cit., Vol.V, p.69; Vol. VI, p.88.

137. Bloomfield in AJP, Vol. XLIV, pp196ff.

138. Buddhist Legends, op.cit., pp. 360ff. ^{^ Vol. XXIX, p. 360ff.}
139. Bloomfield, op.cit., pp. 121, 123, 128. Buddhist Legends, loc.cit. ^{^ Vol. XLIV,}
140. Brhatsamhita, ed. Kern, Chap. 74 cited by Kane, HDS, Vol. II, Part I, p. 579.
141. Bloomfield, op.cit., p. 212. Story No. 129 of the Kathā-ratnākara. ^{^ Vol. XLIV,}
142. Manu, IX. 277; Yājñavalkya, II. 274; Viṣṇu Dharma Sūtra, V. 136; Kautilya, IV. 10.
143. Kane, HDS, Vol. III, p. 522.
144. Buddhist Legends, Vol. XXIX, pp. 117ff. ^{^ op.cit.,}
145. Kautilya, I. 18.
146. The Jātaka, ed. Cowell, Vol. I, No. 53.
147. Kathās., Vol. V, pp. 142ff.
148. Bloomfield, op.cit., p. 206. A class of Indian thieves (19th century) used to disguise themselves as Brahmanas and Bairagis and associate with pilgrims returning from the Ganges. They robbed them of their belongings by stupefying them with the juice of the thorn-apple which was generally mixed with tobacco or food. (W. Crooke, Tribes and Castes of the North-Western Provinces and Oudh, Vol. I (1896), p. 101; Sripāntha, Thagi (in Bengali), pub. Ananda Publishers, Calcutta-9, 3rd ed., p. 40. ^{^ Vol. XLIV,}
149. Sripāntha, op.cit., p. 93.
150. Sripāntha, op.cit., p. 93. loc.cit.
151. Sripāntha, op.cit., pp. 93ff.
152. Kathās, op.cit., Vol. III, p. 282.

153. Kathāratnākara, No.61 (trans. Hertel, Vol. I, pp. 176ff.); Bloomfield, in AJP, op.cit., pp. 212ff.
154. Lal Behari Day, op.cit., pp. 160ff.; Bloomfield, op.cit., vol. XLIV, p. 214.
155. Bloomfield, op.cit., ^{Vol. XLIV,} p. 210.
156. S.L.Sadhu, op.cit., the story, 'Mahādeva', pp. 159ff.
157. Kautilya, XII. 5. ~~Kautilya describes many devices by which an enemy king can be taken to a lonely place and then murdered.~~
158. The Jātaka, op.cit., Vol. VI, No. 546.
159. ^(XIII. 2, 3) Arthasāstra, trans. R.P.Kangle, op.cit., p. 560.
160. ^{Arthasāstra XIII. 2, trans. Kangle, op.cit.,} Ibid., p. 557.
161. Kathās, op.cit., Vol. I, pp. 133ff.
162. Kautilya, II. 8 ^(ed. R. G. Basak, Vol. I, p. 43) ^{nya}
Siddhamāyam na pravesayati, nibaddham vyam na prayacchati
prāptam nivim vipratijānita ityapeharaḥ /
Tesam haranāpāyāścatvāriṃsat - Pūrvam siddham pascādeva-
tāritam; pascātsiddham pūrvamavātāritam; sādhyam na siddham;
asādhyam siddham; siddhamasiddham kṛtam; asiddham siddham
kṛtam; alpasiddham bahukṛtam; bahusiddhamalpaṁ kṛtam;
anyat siddhamanyatkṛtam; anyatassiddhamanyataḥ kṛtam;
deyam na dattam; adeyam dattam; kāle na dattam;
akale dattam; alpaṁ dattam bahukṛtam; bahudattamalpaṁ kṛtam;
anyaddattamanyatkṛtam; anyato dattamanyataḥ kṛtam;
pravistamapravistam kṛtam; apravistam pravistam kṛtam;
dattamūlyam na pravistam; saṅksepo viksepah kṛtaḥ;
viksepah saṅksepo vā; mahārghamalpārgghena parivartitam;
* Kūpyam adattamūlyam pravistam;

Contd: . . .

162. (Contd: from page 119)

alpārgham mahārghena vā; samāropito 'rghah, pratyavaropito vā;
rātrayah samāropitā, pratyavaropitā vā; samvatsaro māsaviśa-
mah krtah; māsō divasavisamovā; samāgamavisamah; mukhavisamah,
dhārmikavisamah; nirvartanavisamah; pindavisamah, Varnavisamah,
arghavisamah, mānavisamah, māpanavisamah, bhājenavisamah
iti haranopayāh /

See Shamesastry's trans., p. 66ff.

163. Kautilya, ~~II. 19~~; IV. 2; Brhaspeti, XII. 13, 18, Nārada,
VIII. 7.

164. Kautilya, II. 14; trans. Shamesastry, pp. 95ff.

165. Kautilya, II. 14. Sannāminyutkīrnikā bhinnamestekopekanthī
Kusikya sakatukakṣya pārivellyayaskāntā ca dustatulāh.

166. This deceitful act is termed triputakāpasāritam.

167. This act is termed Sulbāpasāritam.

168. Mukamūṣā pū tikittah karatakamukham nāṭe sandamso jonganē
suvarcikaḥ lavanam / Tadeva suvarnamityapasāranamārgah /

According to R.P.Kangle, mukamūṣā 'has a false bottom into which a part of the melting gold drips down.' He translates Karatukamukham (Karatakamukham) as 'a crane's beak'. It 'appears to be a kind of pincers with hollow ends for concealing gold.' According to him jonganī is a 'vessel for holding water.' See Arthasāstra, trans. Kangle, op.cit. pp. 135ff., note 23.

169. R.P.Kangle, Arthasāstra, op.cit., p. 137.

170. Parikuttanamavacchedanamullekhanam parimardanamam vā /
Petākēpadasēna prsataṁ guṇaṁ pitakāṁ va yet parisātayanti
tatparikuttanam / yad dviguṇaṁ vēstukānāṁ vā rupeśīsarūpam
prakṣipya abhyantaramavacchindanti tadavacchedanam / yad
ghanānēm tīksnenollikhanti tadullekhanam /

Kangle's translation of this passage runs thus (op.cit., p.138) : "Knocking off, cutting out, scratching out or rubbing off. When under the pretext of (discovering) an 'enclosing', they cut out a bead or a string or a casing, that is knocking off. Or, when in an article with a double base, they insert an object of lead and cut the interior out, that is cutting out. When from solid objects they scratch out with a sharp tool, that is scratching out."

171. Avaksepah pratimānamagnērgandikā bhandikādhikarānī
piṇchassūtrēṁ cellam bollanam (Cellacōḷanam) sira
utsaṅgo māṇsika svakāyeksā dr̥tirudakasarāvamagnisthamiti
kācam vidyāt / *See Kautilya, trans. Shamasastry, p. 98, passage*

Kangle translates this [^]thus (op.cit., p.139) : 'Sudden movement of the hand, the weights, the fire, the wooden anvil, the tool-box, the receptacle, the peacock's feather, the thread, garment, talk, the head, the lap, the fly, attention to one's person, the bellows-skin, the water-platter, and the fire-pan -- these he should know as the means of pilfering?' Avaksepah may mean 'slight of hand'. It may also mean 'Throwing out (in the rubbish)', to be recovered later. Pratimānam means 'substitution while weighing or adjusting weights'. Bhandikā may mean 'vessel

171. (Contd: from page 121)

for collecting molten gold'. sūtram means 'the thread for measuring' or the thread in the balance, 'with wax applied over it.' See Kangle, op.cit., p. 139, note 53. Gandika, bhandika, dr̥ti, udakesarava, agnistha, adhikarani, pincha, sūtra, and cella were used to conceal pieces or grains of gold or silver. Artisans tried to rob gold by diverting the attention of others by talking. While scratching the head or the thighs, they could easily conceal pieces of the precious metal in the head or clothes (or in private parts of the body). While attempting to flap the flies, the artisan ^{might} ~~may~~ stick some pieces on his body or on the ground. See Kautilya, trans. R.G. Basak, Vol. I, p. 139.

172. Bloomfield, op.cit., ^{Vol. XLIV,} pp. 109ff.

173. Kathas., op.cit., Vol. II, Book V, Ch. XXIV.

174. Pāncatantra, ed. Jivananda, ^{Vidyasagar,} pp. 353ff.

175. The Jātaka, op.cit., Vol. I, Kalakenigataka.

176. Kathas., op.cit., Vol. VIII, pp. 140ff.

177. Buddhist Legends, op.cit., Vol. XXIX, p. 274.

178. The Jātaka, op.cit., ^{Vol. I,} No. 70.

179. Ibid., No. 70.

180. Jacobi, Ausgewählte Erzählungen in Māhārāstri, p. 80.

181. Buddhist Legends, op.cit., ^{Vol. XXIX,} pp. 306ff.; Cf. Mālavikāgnimitra, V. 10.

182. Bloomfield in AJP, Vol. XLIV, p. 218.

183. Ryder, Pāncatantra, p. 169; The Jātaka, op.cit., Vol. IV, No. 503.

184. [^]Ryder, The Pañcatentra, op.cit., p. 172.
185. [^]Ryder, [^]Sbid. op.cit., pp. 171ff.
186. J.C.Jain, op.cit., p. 67; The Jātaka, op.cit., Vol. I, No.70; Kalakanni Jātaka; [^]The Jātaka, Vol. IV, No. 469, 495, 503; Kathākośa, trans. Tawney, p. 203.
- 186a. J.C. Jain, loc.cit.
187. Malavikāgnimitra, ed. Sane, Godbole, Urseker (V.10), p.137.
- Tunirapattaparīnādhahujāntarālemekarnalāmbisikhpiccha-
kalāpadhārī /
Koṇḍapāṇi nīnadatpratirodhakānāmāpātedusprasaha-
māvirbhūdanīkam.

CHAPTER V,

Charms and Spells,

It was widely believed that thieves possessed magical powers and they themselves had strong faith in the efficacy of magic. The charms used by the thieves are called manavavidya⁽¹⁾ by Kautilya.⁽²⁾ According to Bloomfield, 'Making one's self invisible is part of the thief's regular technique'.⁽²⁾ An expert thief used to gain invisibility by anointing the body or the eye with some magic ointment or collyrium. The robber Candarudra⁽³⁾ possessed a magic pill which when rubbed with water and applied to one's eyes, like collyrium, could make the person invisible, even to the thousand-eyed Indra.⁽³⁾ Rupyakhura⁽⁴⁾ and two young monks⁽⁵⁾ made themselves invisible by anointing their eyes with a magic ointment and used to eat from the plates of kings regularly. Rupyakhura was found out by a clever minister who made him shed profuse tears that washed away the salve, by using smoke in the dining room. This 'device of making oneself invisible and then taking away the food is called Curnayoga and comes under Utpadanadosa in the Uttarādhyayanāsūtra'.⁽⁶⁾ The thief Suvarṇakhura⁽⁷⁾ used to rob houses at night invisibly with the help of a magic salve and, when he roamed about in the city, only his shadow was visible.⁽⁷⁾ Rayhineya⁽⁸⁾ also knew how to make himself invisible. Once although he was standing in the midst of many people, nobody could perceive him.⁽⁸⁾ According to Patanjali,⁽⁹⁾ the thieves used to paint their eyes with collyrium ostensibly to gain invisibility. We have already referred to Yagarocana^o used by Śarvilaka to make himself invisible. In ^athe folk[^]lore[^], a thief is stated to have

made himself invisible⁽¹⁰⁾ by painting a tilaka on his forehead.⁽¹⁰⁾ References to the spell of invisibility are numerous.⁽¹¹⁾ The Arthasāstra, the Sanmukhakalpa and the Tantras⁽¹²⁾ elaborately describe the charm⁸ producing invisibility. A folk-tale refers to a collyrium which when applied to the eyes 'makes the darkest night seem as though a crore of suns were in the sky'.⁽¹³⁾ The Arthasāstra^{^ and} the Sanmukhakalpa⁽¹⁴⁾ also refer to the contrivances for seeing at night. Among other charms, thieves knew the Ākāśagāminīvidyā by which they could soar and roam in air. Rūpyakhura could fly up like a bird.⁽¹⁵⁾ Rauhineya⁽¹⁶⁾ once flew up in the sky in the form of a camel and frightened the cattle in paddocks.⁽¹⁶⁾ On another occasion, he flew up like a bird and mounted the palace-top. Probably there is a veiled reference to Sarvilaka's⁽¹⁶⁾ power of flying through air in the Mṛcchakatika : 'In flight, the prince of birds can show no greater skill' ^(16a) than her. The magical power of rising in the sky was called the Khecari vijjā (Vidyā)⁽¹⁷⁾ in some Jaina canons, for acquiring which severe austerity had to be practised. The vidyā was also known as adhisthāyini, floating. A thief acquired this science⁽¹⁸⁾ by suspending himself with a rope from the branch of a tree underneath which was placed a basin full of live coal and cutting one by one the four strands of the rope. In another tale,⁽¹⁹⁾ the thief is stated to have recited some spells eight hundred times besides following the procedure stated above. Another thief⁽²⁰⁾ lost the ākāśagāminīvidyā and a lock-breaking charm for telling a lie. These spells, it is said, should not be used for selfish purposes and if the

possessor of them would tell a lie and live an impure life, he would lose them. But if he told [^]lie inadvertently, he was to stand in the water up to his navel and with arms stretched upward was to recite the vidyās 1008 times to get them back. The Parīśiṣṭaparva⁽²¹⁾ also refers to this ākāśagāminī-vidyā. A Jaina saint⁽²²⁾ acquired the magical power of flying by applying medicinal ingredients to his feet. Putraka⁽²³⁾ stole from the sons of the Asura Maya, a pair of shoes which when put on enabled one to fly up in the air.⁽²³⁾ An atmospheric crystal, we are told, 'could make anything into which it was fixed float in the air.'⁽²⁴⁾ The Arthasāstra, the Tantras and the Sanmukhakalpa⁽²⁵⁾ also describe this charm. Buddha⁽²⁶⁾ condemned the power of flying through the air.⁽²⁶⁾ Thieves and robbers are described as experts in breaking open locks and closed doors with magical power. One thief, Prabhava possessed this lock-breaking charm called tālodghātinī.⁽²⁷⁾ This charm was also called tālodghātanikā vidyā.⁽²⁸⁾ It was believed that the recitation of each verse of the Bhaktāmarastotra of Mānatūṅga⁽²⁹⁾ would open locked doors. The robber Cīṭāya⁽³⁰⁾ opened the eastern gate of Rājagṛha by reciting the lock-breaking charm. Thieves⁽³¹⁾ could open doors by applying a certain leaf to the door-fastenings.⁽³¹⁾ They,⁽³²⁾ it was believed, could open locks and keep the inmates of the houses spellbound with a twig taken from a crow's nest.⁽³²⁾ The door-breaking charm has been referred to in the Arthasāstra of Kauṭilya, and the Sanmukhakalpa.⁽³³⁾ Thieves⁽³⁴⁾ often used the sleep-charm (ava-svāpanī, avasvāpanikā, Prākṛt osovanīm, uṣopana, ośavaniyā, etc.)

to put householders to sleep. The bandit, Prabhava⁽³⁴⁾ used this charm (avasvāpanikā) before entering into the house of Jambū; but this had no effect upon the latter as he was a bhāvayati, ready to renounce the world.⁽³⁵⁾ This charm⁽³⁶⁾ was also used by Rūpyakhura who used to awaken people in bravado even after administering the sleeping potion. Through the magic of coracakra⁽³⁷⁾ everybody in the king's palace fell into a deep sleep. Even some gods⁽³⁸⁾ are believed to have had often recourse to the sleep-charm to steal their desired objects.⁽³⁹⁾ Thus Sakka (Sakra) stole a baby by putting its mother to sleep. He did the same thing in the cases of Suparśvanātha and Pārśvanātha. Harinegameṣī transferred a foetus from the womb of Devanandā, to that of Trisālā by putting Devanandā and her attendants to sleep. Draupadī was in this way put to sleep and abducted by a god. The Rgveda and ^{the} Atharvaveda⁽³⁹⁾ refer to a sleep-charm which, according to some, was used by thieves to put people to sleep, but in the opinion of others, was recited by a lover while approaching his love secretly. It might have been also used by Kidnappers of women or by those who used to outrage the modesty of women while they were asleep. The sleep-charm has been described in detail in the Arthasāstra of Kauṭilya and the Sanmukhakaḥkalpa.⁽⁴⁰⁾

Appropriation of treasure-trove⁽⁴¹⁾ without informing the king amounted to theft and this kind of offence was naturally very common.⁽⁴¹⁾ Spells for finding out buried treasure must have been used by thieves and treasure-hunters. A man who knew the spell⁽⁴²⁾ of discovering buried treasure carried off the buried wealth of the

king of Kosala in the guise of an ascetic. A magic ⁽⁴²⁾ root for ⁽⁴³⁾ detecting treasure is referred to in the Katharatnākara. ⁽⁴³⁾ The magic seeds ^{have been} indicating buried wealth, used by Sarvilaka in the Mrcchakatika ⁽⁴⁴⁾ is already mentioned. A Brahmana treasure-hunter ⁽⁴⁴⁾ used to search ^{for} buried treasure with a candle made of human fat and the place where it fell from his grasp was believed to contain treasure. ⁽⁴⁴⁾ With a magic ointment, Puspodbhava ⁽⁴⁵⁾ discovered jars full of valuables under some trees in the Vindhya forest. ⁽⁴⁵⁾ The Samukhakaṭpa ⁽⁴⁶⁾ describes a spell for finding out hidden treasures. Spells causing change of voice, appearance, sex, etc., had been mastered by thieves. As pointed out before, Rauhineya ⁽⁴⁷⁾ controlled that art by which a person's voice could be exchanged for any other creature's voice, and likewise that by which a different form could be assumed. He could assume the form of any bird or beast, e.g. peacock, deer, horse, camel, etc. '(Making himself) deer-faced, he would go and sport among the deer; he would change himself into a peacock and dance with abandon at the arrival of the cloud.' Once he even assumed the figure of the police-chief. ⁽⁴⁷⁾ Muladeva ⁽⁴⁸⁾ had two magic pills, one of which when placed in the mouth would turn a person into an aged man and the second could transform one into a beautiful maiden. ⁽⁴⁸⁾ A Raksasa ⁽⁴⁹⁾ having kidnapped two girls changed them into camels by applying white collyrium to their eyes. Their original forms could be restored by anointing their eyes with black collyrium. ⁽⁴⁹⁾ King Kanakaratha ⁽⁵⁰⁾ could assume any form he liked and with his magic power he got what he desired. ⁽⁵⁰⁾ This charm ⁽⁵¹⁾ for changing one's appearances has been mentioned in several Works. ⁽⁵¹⁾ The Arthśāstra

and the Sanmukhakalpa ⁽⁵²⁾ also describe this spell.
 A thief ⁽⁵³⁾ ^{^ stole} stole mangoes from queen ^{^ Cittaṇā's} Cittaṇā's garden
 by magically bending the trees towards him. ⁽⁵³⁾ ^

Rauhineya ⁽⁵⁴⁾ knew magic herbs of all sorts and magic
 formulae and amulets by the crores. Being attacked by several people
 at a time, he saved himself by means of his charms and amulets.
 He knew charms which made him immune to all injuries. He could
 not be bitten by snakes, burnt by fire, bound by thongs and
 affected by poison. By the power of his charms, he could even
 turn fire into water. 'By virtue of magic charms, amulets and
 simples the young of the thieves habitually played there (Vaiḥḥāre
 mountain) with the young of the lions'. With a thieves' spell
 (cauramētra), he could make an attacking party turn upon each
 other. He could also discharge fire and burn a city. Rūpyakhura
^{^ could} knew how to stop the point and blade of a sword ^{^ and} a blow at him
 had no effect. Rauhineya could also transfix an attacking party.
 He boasted that a man at whom he directed a blow would remain
 glued to the spot. Once he transfixed a king's retinue and took
 away their swords and ornaments. ⁽⁵⁶⁾ ^ Tantras and the
 The Sanmukhakalpa ⁽⁵⁵⁾ also refers
 to transfixion. ⁽⁵⁵⁾ This has been referred to in other works
 as a defensive charm against thieves and will be discussed in a
 subsequent chapter.

King Vikrama ⁽⁵⁶⁾ once caught four thieves possessed
 of magical powers. ⁽⁵⁶⁾ The robber-chief, Vijaya knew 'various spells
 and incantations in connection with the art of larceny.' ⁽⁵⁷⁾ King
 Sūryaprabha ⁽⁵⁸⁾ used to carry off princesses by means of a magical
 charm which he learnt from Maya. ⁽⁵⁸⁾ A friar of Rajagrha ⁽⁵⁹⁾ used to

carry off beautiful women by means of magic, charm and herbs. ⁽⁵⁹⁾

Vidyadhara ⁽⁶⁰⁾ were believed to be experts in the abduction of women with the help of their magical power. ⁽⁶⁰⁾ The charm, Vatāli or Veyālīnī ⁽⁶¹⁾ was used to kidnap women. ⁽⁶¹⁾ In the Dasakumāracarita, we find a vivid description of a magician and his rites; the menial of whom, a giant, had to kidnap princesses for his enjoyment at his bidding. Mantragupta says, "I beheld a creature with body decorations formed from grimly gleaming bits of dead-men's bone with smears of ashy dust from half charred coals of fire-scorched wood with matted hair tawny as the lightning flash; his left hand sprinkled sesame, mustard and other substances with constant crepitation upon a fire that spouted flame-sheets as it clutched each moment and devoured its diverse fuel - an ogreish fire gulped the blackness of encircling forests. Before him cringed the menial crying : 'what must I do ? Grant a command.' The magician menaced and terrified the giant and issued immoral orders." ⁽⁶²⁾ A thief ⁽⁶³⁾ is stated to have produced a big rock, an excellent vimāna, etc., by magic. ⁽⁶³⁾ Some other spells which were probably used by thieves are described in Appendix-I. ⁽⁶³⁾

Thieves, however, never solely depended upon magic and incantations at the time of stealing. Faith in them probably made them confident of their success. Again 'we must not forget that we are dealing, not only with steva-sāstra, but also with fiction.' ⁽⁶⁴⁾ Most of these spells and charms were probably the product of the fertile brain of the story-writers. Moreover, the Buddhist and Jaina writers might have also endowed the robbers who were later on converted to their faith, with superhuman powers to prove the great influence of their religions even over such mighty bandits.

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1. Kautilya, IV. 5.
2. Bloomfield, 'The Art of Stealing in Hindu Fiction' in AJP, Vol. XLIV, p. 101.
3. Kali Pada Mitra, 'Magic and Miracles in Jaina Literature' in Jaina Antiquary, Vol. 8, No.1, p.17; Samarādityasāṅkṣepa, 6.114 ^{^ Cited} quoted by Bloomfield, loc.cit.
4. ^{^ Rauhinēya caritra, trans.} H.M. Johnson in Studies in Honor of Maurice Bloomfield, pp. 159ff. (Introduction).
5. Parisistaparvan, ed. H. Jacobi, VIII. 385ff.
6. Kali Pada Mitra, ^{^ Vol. 8, No.1,} op.cit., p. 18.
7. Rauhinēya caritra, trans. H.M. Johnson, ^{^ op.cit., Introduction,} in Studies in Honor of Maurice Bloomfield, pp. 159ff.
8. ^{^ Rauhinēyacarita, op.cit.,} Ibid., pp. 171ff.
9. P.C.Chakravarty in IHQ, Vol. II, p. 755.
10. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 118. A thief entered into a king's palace by means of a magic called Kṛsnāksara which was probably an invisibility or a door-breaking charm (Bloomfield, op.cit., Vol XLIV, p. 119).
11. Yaṅgandhanīrāyana, the minister of King Udayana knew recipes for becoming invisible and applied them to secure the release of his master from captivity (Kathās., trans. Tawney, ed. Penzer, Vol. I, p.136). Rājavāhana, by his magic power of becoming invisible entered into the chamber of the princess Aventisundarī (Dasakumāracarita, trans. Ryder, p.55). Guṇasārman made himself invisible by applying an ointment to his eyes. ^{^ Vol. XLIV,} (Bloomfield, op.cit., p.118). King Harīṣena received from the abbot Viśvabhūti, the secret of preparing collyrium which could render one invisible (Kali Pada Mitra, loc.cit.).

Contd: . . .

11. (Contd. from page 131)

Abhayāsīmha obtained from his mother a spell that rendered one invisible (Kali Pada Mitra, loc.cit.). A Vidyādhara gave a ring to Avimāraka which could make one invisible : Etadāṅgulīyakāṁ daksināṅgulyā dhārayannadrśyo bhavati, vāmena prakṛtisthaḥ, (Avimāraka, Act IV). An atmospheric crystal could make a thing invisible (Kali Pada Mitra, loc.cit.). Sanat Kumāra had a magic shawl which rendered the wearer of it invisible (Kali Pada Mitra, ^{^ Vol. 8, No. I,} op.cit., p. 17). Bhūmabhata received a charm from १ १aṅgā called 'Forwards and Backwards'. By repeating it forwards, he could become invisible to his neighbours; but if he repeated it backwards, he could assume any shape he liked. This charm was seven-syllable long. Concealed by this charm, Bhūmabhata entered his beloved's private chamber (Kathas., op.cit., Vol. VI, pp. 149 and 156-57). A vanishing root of supernatural power capable of making one invisible is referred to in The Questions of King Milinda, trans. T.W.Rhys Davids in SBE, Vol. XXXV, Part I, p. 281; Cf. Rgvidhāna, I. 15. 4-6. Celestial nymphs used ~~to~~ the tīraskarīnīvidyā to make themselves invisible. (Vikramorvaśyā, ed. G.Vaidya, pp. 24, 28, 30, 52, 53 and Abhijñāna Śākuntala, Act VI).

12. See Appendix - I, pp. 138 ff.

13. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 118.

In the Mṛcchakatika (III. 20), Sarvilaka describes himself as Dīpo rātrisū (light in darkness). Does he here refer to his power to see at night ?

History of Indian Literature, Vol. II, trans. Mrs. S. Kulkarni and N. K. Kulkarni, Calcutta, 1933, p. 55.

14. See Appendix - I, pp. 143-144.
15. Rauhineyacaritra, op.cit., pp. 159ff.
16. Rauhineyacaritra (88ff.), op.cit., pp. 159ff.
- 16a. Ryder, Mrcchakatika, p. 51. Mrcchakatika, III. 21: Patagapateh parisarpane ca tulyah.

A goddess gave to Jayadratha two pills which enabled him to fly through the air and assume any form he liked. (Kalipada
^ Vol. 8, No. I,
Mitra, op.cit., pp. 21ff.)

^ Life in Ancient India as depicted in Jain Canons,

17. J.C. Jain, op.cit., p. 229. ^ December, 1942,
18. Kali Pada Mitra in Jaina Antiquary, Vol. 8, No. II, p. 60;
^ Vol. XLIV,
Bloomfield, op.cit., pp. 121-22.

19. J.C. Jain, loc.cit.
20. Kali Pada Mitra, in Jaina Antiquary, Vol. 8, No. I, p. 12;
Samarāiccakaha, ed. H. Jacobi, Bibliotheca Indica, 4th Bhava,
227ff.

21. Parisistaparvan, XII. 160.

22. Kali Pada Mitra, op.cit., p. 13.
^ Vol. 8, No. I,

23. Kathas, op.cit., Vol. I, p. 21.

24. Kali Pada Mitra, op.cit., pp. 18ff.
^ Vol. 8, No. I,

25. See Appendix - I, p. 144.

26. Kali Pada Mitra, op.cit., p. 13.
^ Vol. 8, No. I,

27. Parisistaparvan, II. 172, 182.

28. Bloomfield, op.cit., p. 119; J.C. Jain, op.cit., p. 230;
Kali Pada Mitra in IHQ, Vol. XV, No. 2, p. 177; Samarāiccakaha,
op.cit., 227ff.

29. Kavyamālā, pub. Nirmaya Sāgara Press, Bombay,
Part Book VII, pp. 1ff.; Cf. Stevenson, Heart of Jainism, p. 80.*

30. Kali Pada Mitra in Jaina Antiquary, op.cit., p. 12.

31. Bloomfield, op.cit., p. 119.
^ Vol. XLIV,

* Mānandīya, in order to prove that the Jaina religion is quite capable of performing great miracles, had himself fettered with 42 iron fetters and looked up in a house; then he composed the 44 verses of the Bhaktāmara-stotra, and became free and

32. W.Crooke, Popular Religion and Folklore in Northern India,
p.342 ^{^ cited} quoted by Bloomfield, loc.cit..
33. See Appendix.— I, pp. 144 ff.
34. J.C.Jain, loc.cit.; Kali Pada Mitra in IHQ, loc.cit., in
Jaina Antiquary, op.cit., pp. 10ff., and in Jaina Antiquary,
Vol. 8, ^{^ December, 1942;} No. II; Sanmukhakalpa, op.cit., p. 6.
35. Parisistaparvan, ed. Jacobi, II. 172ff. Also see, p. 22.
36. Rauhineya Caritra, op.cit., pp. 159ff.
^{^ (8 ff.)}
37. Chintaharan Chakravarti, ^{^ in Siddha-Bharati} op.cit., pp. 230ff. In Europe and
India it was believed that candles of human fat could make
the inmates of a house asleep. In Northern India, the popular
belief is that before entering into a house, thieves throw
over the inmates some masan or ashes from a pyre to make them
asleep. In Java, 'a burglar takes earth from a grave and
sprinkles it round the house which he intends to rob; this
throws the inmates into a deep sleep'. Kathas, op.cit.,
Vol. III, pp. 151ff. Cf. Kautilya, XIV. 3.
38. Kali Pada Mitra in Jaina Antiquary, Vol. 8, No.1, p. 10.
Indra put the dasas and dasyus to sleep with his magic power
to free Dabhitī from their captivity. See The Rgveda, IV.3c.21.
39. Rgveda, VII. 5. 55; Atharvaveda, IV. 5. See Appendix.— I, pp. 147ff.
40. See Appendix.— I, pp. 150 ff.
41. Arthasāstra, trans. Shamasastri, pp. 230-31.
42. The Jātaka, ^{^ ed. Cowell,} op.cit., Vol. III, No. 336.
43. Katharatnākara, Story 51.
44. Kathas, op.cit., Vol. III, p. 133.

45. Dasakumāracarita, trans. Ryder, p.36. The science of hidden treasures is called Khanyavāda in the Upamitibhavaprapaṇcākathā, ed. Jacobi, 60, 10; 865, 11-12.
46. Sanmukhakalpa, ed. D. George, p. 26 :
(Om) // nīdhiperikṣaṇam kartukāmah //
Om Vīdivīdisekhāṇ jah svāhā // sūtra vinsati vāram pari
Jāpya mahātela viśacūṛṇṇena miśrayet /
arkkakunam sālmalī krikṛtya padmasūtrenā vestayet //
nāgalatai sthānye bhūmya parikṣayet /
edho nikhā nidhin ta hata patati //
47. Rauhineya Caritra, ^{^ (318ff, 20960)} op.cit., pp. 159ff.
48. Kathās., op.cit., Vol. VII, p. 41.
49. Kathākosa, trans. Tawney, pp. 130-35.
50. Ibid., p. 184.
A giant could change his form at will (Dasakumāracarita, trans. Ryder, p. 141). The Parīśiṣṭaparvan refers to the Vaikriya spell which may mean assuming forms, shapes, etc.
Cf. Kali Pada Mitra in Jaina Antiquary, op.cit., p.16. In the Parśvanāthacaritra, a thief assumed the form of a lion.
(2. 352 ^{^ cited} quoted by Kali Pada Mitra, loc.cit..)
51. Yeugandharāyana, the minister of Udayana could change his form with a charm and once made himself deformed, hunch-backed and old provoking thereby the laughter of the beholders. (Kathās., op.cit., Vol. I, p. 136).
Prince Manicūda learnt the trick of changing forms (rūpāpari-varttinīvidyā) from an ascetic. (Kali Pada Mitra, op.cit., Vol. 8, No.1, pp. 16 and 21); Dasakumāra carita, trans. Ryder, pp. 95ff.

* 51. (Contd: from page 135)

See Kathās; op.cit. (Ind ed., Pub. Motilal Banarsidass, 1968), Vol. X, p.335 under 'Transformation', and Vol. VIII, pp. 37, 39 etc. ; Daśakumāracarita, trans. Kale, pp. 18, 108, etc. *

52. See Appendix—T, pp. 158-66.

53. Kathāratnākara, Story 82; Bloomfield, op.cit., p. 119. ^{^ Vol. XLIV,}

54. Rauhineyacaritra, op.cit., pp. 159ff. ^{^ (166, 192, 202, 203)}

55. See Srimat Kṛṣṇānanda Āgama-vāgīśa, Brhat Tantrasārah, p. 374 :

Vaḡalāmukhīmantra

'Brahmāstram sampravakṣyāmi sadyah pratyayakarakam /

Sādhakanām hitārthāya stambhanāya ca vairinām /

yasyāḥ smaraṇamatrena pavano'pi sthirāyati //

Pranavam sthīramāyānce tatas'ca Vaḡalāmukhi /

Tadante sarvvaḡustānām tato vācam mukham padam /

Stambhayeti tato jīhvām kilāyati padadvayam /

Buddhim nāsāya paścāttrasthīramāyām samālikhet /

The mantra is : Om hliṁ Vaḡalāmukhi sarvvaḡustānām vācam ^{^ V}

mukham stambhaya jīhvām kilāya kilāya buddhimnāsāya

hliṁ om svāhā / Tathāca - Vahnihīnendrayunmāyā

sthīramāyā prakīrttite / Tantrāntare - Vahnihīnendra-

yunmāyā Vaḡalāmukhi sarvvayuk / Duṣṭānām vācamityuktva

mukham stambhaya kīrttayet / Jīhvām kilāya buddhintu

Vināsāya-padam vadet / Punarvviḡam tatastāram

vahnijāyāvadhīrbhavet / Tārādīkē cetustriṁśadakṣara

Vaḡalāmukhi / Ityapi mantrāntaram /

55. Samukhakaḡpa, op.cit., p. 56. ^{^ Vol. XLIV,}

56. Kathāratnākara, Story 178; Bloomfield, op.cit., p. 198. [^]

According to the Amara Sūtri, Amara Sūtri, a great magician could fly through the air, change men into animals and change them back again, and himself assume any form he liked. See N. Kirtimitra, op.cit., Vol. II, p. 540.

57. J.C.Jain, op.cit., p. 67.
58. Kathas., Vol. IV, p. 4.
59. Kali Pada Mitra in Jains Antiquary, op.cit., p. 21.
60. Kathas., op.cit., Vol. VII, chap. LXXXVII.
61. J.C.Jain, op.cit., p. 230.
62. Dasakumaracarita, trans. Ryder, p. 143.
63. Parsvanatha caritra, I. 601, ^{^ cited} quoted by Kali Pada Mitra, op.cit.,
Vol. 8, No. I,
p. 16.
- 63a. Appendix - I, pp. 162-86.
^{^ Vol. XLIV}
64. Bloomfield, op.cit., p. 119.
[^]

APPENDIX — I

1. Invisibility charm,

The invisibility charm is called antardhānamantra or antardhāna-yōga by Kautilya (IV.5; XIV.3). He describes eight contrivances causing invisibility (XIV.3). See the Arthasāstra, ed. R. G. Basak, Vol. II, ¹⁹⁶⁷ pp. 153ff :

- I. Trirātropoṣitaḥ puṣye śāstrahatesya sūlaprotasya vā
pumsaḥ śiraḥkapāle mṛttikāyāṁ yavānābāsyāvīksireṇa
secayet; tato yava vīrudhamālāmābaddhya naṣṭacchāyārū-
paś'carati /
- II. Trirātropoṣitaḥ puṣyena śvamārjārolūkevāgulīnām
dakṣiṇāni vāmāni cākṣiṇi dvidhā cūrṇa kareyet /
Taḥyathāśvamabhyaktākṣo naṣṭacchāyārūpaś'carati /
- III. Trirātropoṣitaḥ puṣyena puruṣaghātināḥ kāṇḍakasya
s'alākāṁ āñjanīm ca kareyet /
Tato 'nyatamenākṣicūrṇenābhyaktākṣo naṣṭacchāyārūpaś'carati.
- IV. Trirātropoṣitaḥ puṣyena kālāyasīm āñjanīm s'alākāṁ
ca kareyet; tato niśācarānām sattvānām anyatamasya
s'iraḥkepāle māñḍanena pūrayitvā mṛtāyāsstrīyā yonay
praves'tya dāhayet; tadanñjanam puṣyenoddhṛtya tasyā māñje-
nyām nidadhyāt / Tenābhyaktākṣo naṣṭacchāyārūpaś'carati /
- V. Yatra Brāhmaṇamāhitāgnīm dagdham dahyamānām vā paśyet,
tatra trirātropoṣitaḥ puṣyena svayammṛtasya vāsasā
prasevām kṛtvā citābhasmanā pūrayitvā tamābaddhya
naṣṭacchāyārūpaś'carati /
- VI. Brāhmaṇasya pretakārye yā gauh māryate, tasyā aṣṭhi-
mājje cūrṇapūrnāhibhastra paś'ūnāmantardhānam /

VII. Sarpadaṣṭasya bhasmanā pūrṇaḥ pracaṭākabhastrā
mṛgānāmentardhānam /

VIII. Ulūkavāgulī pucchapurisa jānvasthicurnapūrnāhibhastrā
pakṣiṇāmentardhānam /

[After fasting for three (days and) nights one should sow on the day of the star Puṣya barley seeds in a skull filled with earth of a man killed with a weapon or impaled on a stake and sprinkle them with the milk of goats and sheep. Then if one wears a garland of the sprouts of the barley crop, one can walk with one's shadow and form invisible.

Having fasted for three (days and) nights and pulled out on the Puṣya day both the right and the left eyes of a dog, a cat, an owl, a vāgulī (a flying fox ?), one should powder separately the right and left eyes. Then if a person rubs his eyes with the powder of the corresponding eyes, he can move about with his shadow and form invisible.

Having fasted for three (days and) nights and prepared on the puṣya day a pin and a salve-container out of the thigh-bone of a murderer (purusaḡhātinahkāṇḍakasya — the branch of the punnagatrāe?), one should anoint one's eyes with the powder of the eyes of any one of these. Then one can move invisible to others.

Having fasted for three (days and) nights, one should make on the puṣya day an iron salve-container and a pin.

Then having filled the skull of any one of the animals which roam at night with an eye-salve, one should insert it in the vagina of a dead woman. Then having taken it out on the day of the pusya, one should keep it in that salve-container. Having anointed one's eyes with that ointment, one can move about with shadow and form invisible.

Where one happens to see the cremation or the burning of the corpse of a Brāhmaṇa who kept sacrificial fire, one should fast for three (days and) nights and having on the day of the pusya constellation made a sack out of the garment of a man who has died naturally and filled it with the ashes of the funeral pyre, one should put the sack on one's back. Then one can move about invisible to others.

If the skin of a snake filled with the powder of the bones and marrow or fat of the bull sacrificed during the funeral rites of a Brāhmaṇa is put on the back of cattle, they will become invisible.

The skin of a pracaḷāka (possibly a bird) filled with the ashes of one bitten by a serpent can make beasts invisible.

The skin of a snake filled with the powder of the tail, the dung and the knee-bones of an owl and a flying fox (vāguḷī) can render birds invisible.] See Kautilya, trans. *Shamasastri*, pp. 450ff.

In the Tantras, we find charms that can render one invisible. Here is a sample (Brhat Tantrasārah, trans. Kṛṣṇānanda

Āgamavāgīśa, Vasumati Sahitya Mandir, ed., Calcutta, p. 417) :

Atha edarsana-prakarah.

Arkasālmalikārpāsapettapāṇkajātantubhiḥ /
Pāṇcabhirvarttikābhiśca nṛkapālesu pāṇcesu /
Narataīlena dīpaḥ syuḥ kajjalam nṛkapālakaiḥ /
Grahayet pāṇcabhiryatnāt pūrvvavacca ś'ivālaye /
Pāṇcasthāniye-jātantu ekikuryyacca tam punaḥ /
Mantrayitvāñjayennetre devairapi na drśyate //
Mantrastu, - Om hūṃ phat Kālī Kālī mahākālī māṃsasonitam
khādaya khādaya devī mā paśyatu mānuṣeti hūṃ phat
Svāheti mantrenāṣṭottarasahasrajaptena mantrayet /
Atha mūlamantrenāṣṭottarasahasrābhimantritām kṛtvā,
Tat kajjalam netre dattvā trailokyādrśyo bhavati. '

The Sanmukhakaḥkalpa (ed. D. George, pp. 7ff.) also describes a few charms causing invisibility. The text is very corrupt.

(Om) // antarddhanam karttukāmah //
Om anjini 2 savdenāgaccha 2 Om bhū svah svāha //
Udaka saptevāra pariḥāpya ākāśe kṣipet //
mayūra sāhayitvā svayam evā khaṇmukhā
agecchati yam icchanti tam vare dadāti //
tenasaha antarddhanam // - prajānati //
mayūra candrikā sikhe vā dhyāna kenacit drśyate //
vaddho na nigadālohena kṛttikanakṣatrāditya-
varayogena sarvvaṅgalakṣaṇopetam //
sarvvaḥprehareṇaudyantam // sanmukha dvādaśa cīyet //
tasyaagrato karmmaṇi karoti // raktagandha /
raktedhūpa / raktapuṣpa / raktapātaka //

(Contd: from page 141)

raktavalīnām / sampūjya trirātreusisana śmaśāne gatvā
apatitagomayena īśvaran kṛtvā tasyāgrato śatīkṣaṇi jāpayet //
ulkāmuḥhiṇ ca ghṛtapāyasena pūreyet /
śahasravāra evaṁ kṛtvā siddhi bhavati //
dharmminīśarpasya Caturāṅgulapramāṇa punsayitvā
śugudīko sthāpayet // Om labhanāya svāhā //
anena mantrena sersape saptaśhimantritan
kṛtvā disādīśe kṣipet. // disāvandhakṛto bhavati //
mūlamantrēna kavacayitvā etenaiva vidhānā mūla-
mantrena - sambhandīka grhye śmaśāne sādhayet //
tāvāt japet yāvāt kuṭakuṭāyati //
evaṁ siddhi bhavati // tataḥ s taṁ grhye kapāle
ni ghr̥ṣya aspr̥ṣṭa sadarsana grhye tilakam //
kṛtvā tiṣṭati tāvat a dr̥śyā bhūtvā antarīkṣanam
yatheṣṭaṁ carati bhūmā^h vā //

The Śaṁmukhakalpe, op.cit., p. 10 :

(Om) // anjanakerttukamāḥ // Om candrasūryamayān
dr̥ṣṭi devanirmmitam hara 2 samaye pūrayaḥ hūm svāhā //
Śaṣṭyamābhidaśapilāghṛte gr̥ddholūkavasa siddhārthake taila //
mahātāila bhūlūpe kṣaumena vā vartti kṛtvā padmasūtreṇa
veṣṭayet / tasyaiva kapālasampute sthāpya /
hastenāvastābhya śmaśāne satavaraṇ jāpet //
tenāñjanena añjayet // na kena cit dr̥śyate

Ibid., p. 68 :

Om harinīya svāhā / kurali netra gr̥ddhanetram sukane -
tra mahīśarudhireṇa guṭikāṃ valet // tat mukhe dhāritena
adr̥so bhavati /

2. Charm for seeing at night,

Kautilya [ed. R.G.Basak, op.cit., p. 153 (XIV.3)]

refers to spells for seeing at night :

Mārjaroṣṭravrkavarāhasvāvidvāgulīnaptrkā kolūkāṇām
anyeṣām vā nisācarāṇām sattvānāmekasya dvayorbahūnām
vā dakṣiṇāni vāmāni vā kṣīṇī gr̥hitvā dvidhā cūrṇa
karayet / Tato dakṣiṇām vāmena vāmam dakṣiṇena
samabhyajya rātrāṃ tamasi ca paśyāti /
Ekāmlakam varāhākṣi khadyotāḥ kālāsārībā /
Etenābhyaktanayano rātrau rūpāni paśyati //

[Having pulled out the right and the left eyes of one, two or more of (the following), the cat, the camel, the wolf, the boar, the porcupine, the flying fox, the naptr, the crow, the owl or other creatures that roam at night, one should make two separate powders. If anybody anoints the right eye with (the powder of) the left (eye) and the left with (that of) the right, he will see at night and in darkness.

A man who anoints his eyes with a preparation of an [#]emlaka-fruit, the eye of a boar, the fire-fly, the black sārībā (sariva? - a black plant or a crow ?), can see things at night.]

The Sanmukhakaṭpa, op.cit., p. 59 :

Svetapadmasūtreṇa vartti kṛtvā purāṇaghr̥tēṇa agni
prajvālyā kajjalen gr̥hya / akṣīnyāñjayetenāñjitanayano
yathā tathā rātrau paśyati //

3. Spell for moving in the sky,

The Sanmukhakalpa, op.cit., p. 9 refers to movement in the sky (antarikṣaṇaṁ yatheṣṭāncaratī). We find reference to Urdhvotkramaṇaṁ in the Tantras (Brhat Tantrasāraḥ, op.cit., p. 435).

Kautilya [ed. Basak, op.cit., p. 156 (XIV.3)] thus describes the spell for moving in the sky :

Caturbhaktopavāsikṛṣṇacaturdaśyām bhagnasya puruṣasya-
sthna ṛṣabhaṁ kārayet; abhimantrayeccaiteṇa, dvigoyuktam
goyānamāhṛtam bhavati; tataḥ paramākāśe vikramati /
Sadā ravirevāṇi sagandhapariṣṭatīm sarvaṁ bhaṇati /

[Having fasted for four meals, one should, on the fourteenth of the dark fortnight make a figure of a bull out of the bone of a broken man (murdered man ?) and consecrate it with this

mantra : upāmi saraṇam cāgnim daivatāni diśo daśa /
Apayāntu ca sarvāni vaśatām yāntu me sadā // svāhā /

I take refuge with Agni and all the deities in the ten quarters; May all (obstructions ?) go away and may all things come under my control. Hail ! A cart drawn by two bullocks is then brought to him. Then he moves about in the sky. He becomes akin to the sun and penetrates everything beyond the gate-bar.]

4. Door-breaking charm;

The door-breaking charm is thus described by Kautilya [(XIV.3) ed. Basak, p. 156] :

Upāmi saraṇam cāgnim daivatāni diśo daśa /
Apayāntu ca sarvāni vaśatām yāntu me sadā // Svāhā /

Etasya prayogah :-

Trirātropositāḥ puṣyēṇa sarkarā ekavāṁsati -
sāmpātām kṛtvā madhughṛtābhyām abhijuhuyāt /
Tato gandhamālyēṇa pūjayitvā nikhāṇayāt /
Dvitiyēṇa puṣyēṇoddhṛtyaikām Sārkaramabhi-
mantrayitvā kavātamaṁ hanyāt / Abhyantaram
catasrṇām sarkarāṇām dvāreṇa pāvriyate /

Here is another lock-breaking charm :

Candālikumbhittamvakatukēsārighaḥ sanārībhago'si
svāhā / Talodghātanam prāsvāpanam ca /

Καὶ αὐτὴ (Iv.5) also calls the door-breaking charm, dvārepohamantra. These passages have been translated quite differently by different translators. 'I take refuge with the god of fire and with all the goddesses in the ten quarters; may all obstructions vanish and may all things come under my power. Oblation ! The application of the above mantra is as follows :

Having fasted for three nights and having on the day of the star of pusya prepared twenty-one pieces of sugar candy, one should make oblation into the fire with honey and clarified butter; and having worshipped the pieces of sugar candy with scents and garlands of flowers, one should bury them. When, having on the next day of the star of pusya unearthed the pieces of sugar candy, and chanting the above mantra, one strikes the door-panel of a house with one piece and throws four pieces in the interior, the door will open itself.

O Candālī, Kumbhī, Tumba, Katuka, and Sārṅgha, thou art possessed of the bhaga of a woman, Oblation to thee ! When this mantra is repeated, the door will open and the inmates fall into sleep.'

(Arthasāstra, trans. Shamasastri, pp. 453-54).

" 'I seek refuge with Agni and the deities, the ten quarters; and may all go away, may they be ever under my control. Hail!'

The use of this (mantra) is as follows : After fasting for three (days and) nights, one should on the pusya day, make an aggregate of twenty-one pebble-stones and offer oblations of honey and ghee (in the fire). Then, worshipping them with incense and flowers, one should bury them. Taking them out on the next pusya day, one should consecrate one pebble with this mantra and strike a door-panel with it. Within four pebbles, the door is opened.

Thou art possessed of the bitter strength of the pitcher gourd of a Candāla woman, and possessed of a woman's organ; Hail !

This is a means of opening locks and sending all to sleep.'
Arthasāstra, trans. R.P. Kangle, ^{Part II,} op.cit., pp. 587-88.

Door and lock-breaking charms are also found in the Sanmukhkalpa, op.cit., pp. 14ff. :

bhūmi bhūtapā
te sarvabhūtabhayanakārī / Kālakarṇṇa ūrddhakesī
suskajāṅghā sūlavālopanī svāhā // tādātghātenam //
kapātātghātenam // oṣopenam // . . . prabhrtīni
sarvvaṇ karoti // rājavrksakīlaka satāṅgulam grhye

ochāgerudhirenābhyarccya ehorātrositena smāsānam
gatvā sommukhena kilakam grhya ūrdhāvāham japet /
astāsatan ca tena siddhir bhavati // tatah karmmani
karoti // kapātotghātana karttukamah // kilakan grhya
kapāta sprset // evadhūyate // tādakasamsprset //
utghātayati //

Ibid., pp. 19 ff :

tādōtghātanam karttukamah // om trimukhe saktidharani
sektighanthesavdēna tinisavdam hara tādā mohaya 2
stambhaya 2 cārṇasya 2 bhasmo bhavatu sarvveyantrānām
utghātaya svāhā // amukhena kusēna vā sarṣapena
vā satābhimantritan kṛtvā tē dāken tādāyet // saptavāren
tādōtghātayati // 0 // kapātotghātanan karttukamah //
Om yathā svāna vā svāni vā agadam egadam utghātayati /
arghantu yamtra utghātayati hara 2 sīghram samaya
grhna svāhā // citibhasmasarsapa smāsāne satābhi-
mantritan kṛtvā kapātan tādāyet / utghātaya ti /

See pp. 32-33, 44, 51, 56.

5. Sleep-charm :

Sleep-charm in the Rgveda, VII. 5. 55 :

- (1) ['Protector of the dwelling, remover of disease,
 assuming all (kinds of) forms, be to us a friend, the
 granter of happiness.
- (2) While offspring of Saramā, with tawny limbs, although
 barking, thou displayest thy teeth against me, bristling
 like lances in thy gums, nevertheless, go quietly to sleep.

- (3) Offspring of Saramā, returning (to the charge), attack the pilferer or the thief : why dost thou assail the worshippers of Indra ? Why dost thou intimidate us ? Go quietly to sleep.
- (4) Do thou rend the hog : let the hog rend thee : why dost thou assail the worshippers of Indra ? Why dost thou intimidate us ? Go quietly to sleep.
- (5) Let the mother sleep, let the father sleep, let the dog sleep, let the son-in-law sleep, let all the kindred sleep, let the people (who are stationed) around sleep.
- (6) The man who sits, or he who walks, or he who sees us, of these we shut up the eyes, so that they may be as unconscious as the mansion.
- (7) We put men to sleep through the irresistible might of the bull with a thousand horns" (that is, the sun).
- (8) 'We put to sleep all those women who are lying in the courtyard, in litter, on the bed, the women who are decorated with holiday perfumes.'

*The occasion of this sūkta (~~XXII~~) is narrated from the Bṛhaddevata : Vasistha coming by night to the house of Varuna intended to sleep there : the watch dog barking was about to lay hold of him, when he appeased the animal by this hymn.'

'According to another story briefly told by Sayana and found in the Nītimāñjarī, Vasistha had passed three days without being able to get any food; on the night of the fourth, he entered the house of Varuna to steal something to eat, and had made his way to

the larder, the Kestāgāra, when the dog set upon him, but was put to sleep by these verses, wherefore they are to be recited on similar occasions by thieves and burglars.'

See The Rgveda, trans. Wilson, Vol. IV, pp. 121ff.

The Atharvaveda, IV. 5 describes a somewhat similar spell :

- (1) 'The Bull who hath a thousand horns, who rises up from
out the sea, -
By him the strong and mighty one we lull the folk to
rest and sleep.
- (2) Over the surface of the earth there breathes no wind,
there looks no eye.
Lull all the women, lull the dogs to sleep, with Indra
as thy friend X |
- (3) The women sleeping in the court, lying without, or
stretched on beds,
The matrons with their odorous sweets -- these, one and
all, we lull to sleep.
- (4) Each moving thing have I secured, have held and hold the
eye and breath. Each limb and member have I seized in the
deep darkness of the night.
- (5) The man who sits, the man who walks, whoever stands and
clearly sees -
Of these we closely shut the eyes, even as we closely
shut this house.
- (6) Sleep mother, let the father sleep, sleep dog, and
master of the home.
Let all her kinsmen sleep, sleep all the people who are
round about.

(7) With soporific charm, O sleep, lull thou to slumber,
all the folk.

Let the rest sleep till break of day, I will remain awake
till dawn, like Indra free from scath and harm.'

The Artharvaveda, trans. Griffith, Vol. II, pp. 135-36.

The pronoun 'her' gives the clue to the purpose of this
charm in the Atharva-veda. It is here used as a sleep-charm by
a lover who is secretly visiting his love. This pronoun is not
found in the Rgvedic hymn (Griffith, op.cit., p. 136, note 6)
and Kausika, 36.1ff. According to Bloomfield (SBE, Vol. XLII,
pp.371ff., notes both the Rgvedic and Atharva-vedic versions
may have drafted into service 'materials' whose original connec-

tion in olden times (purāṇa) has passed out of sight.' ¹⁹⁶⁷
Sleep-charms described by Kautilya (ed. R. G. Basak, Vol. II, pp. 154 ff.):
Balīm Vairocanam Vande satamayam ca Sāmbaram /

Bhāṇḍārepākam Narakam Nikumbham Kumbhamēva ca //

Devalam Narakam Vande Vande Sāvarnigēlavam /

Eteṣāmanuyogena Kṛtām tē svāpanam mahat //

Yathā svapantya jagarāssvapentyapi camukhalāḥ /

Tathā svapantu puruṣā ye ca grāme kutuhātāḥ //

Bhāṇḍakānām sahasrena rathanemistena ca /

Imam grham praveksyāmi tūsnimāsantu bhāṇḍakāḥ //

Namaskṛtvā ca mānave badhvā sunakaphelakāḥ /

Ye devā devalokesu mānuṣesu ca Brāhmaṇāḥ //

Adhyayanapāragāssiddhāḥ ye ca Kailāsetāpesāḥ /

Etebhyassarvasiddhebhyah kṛtām te svāpanam mahat //

Atigacchati ca mayyapagacchantu saṁhātāḥ /

Alite palite mānave svēhā //

Etasya prayogah --

Trirātroṣitah kṛṣṇacaturdaśyām puṣyayoginyām
Svapākīhastādvilakhāvalekhanam kṛṇīyāt / tanmāsai-
ssahe kaṇḍolikāyām kṛtvā asankīṛṇa ādahane nikhānayet /
Dvitiyaśyām caturdaśyāmuddhṛtya kumāryā peṣayitvā
gulikāḥ kārayet / Tata ekam gulikāmbhūmantrayitvā
yatraitena mantrena kṣipati tatsarvaṃ presvāpayati /
Etenaiva kalpena svāvidhaḥ śalyakam trikālām trisveta-
mesankīṛṇa ādahane nikhānayet / Dvitiyaśyām caturdaśyām
uddhṛtvādehaḥ bhasmena saha yatraitena mantrena kṣipati,
tatsarvaṃ presvāpayati /

Suvarṇapustam Brāhmaṇam Brahmanam cakusādhvajam /
Sarvasca devatā vande vande sarvasca tapasam //
Vasam me Brāhmanāyantu bhūmipālāsca kṣatriyaḥ /
Vasam vaiśyasca sūdrāsca vasatām yantu me sadā //
Svāhā Amile kimile Vasujāre prayoge phakke
Vayuhve Vihāle dantakatake svāhā /
Sukham svapentu sunakāye ca grāme kutūhalāḥ /
Svāvidhaḥ śalyakam caitattrisvetam Brāhmanirmitam //
Prasuptāssarvasiddhā hi etatte svāpanam kṛtam /
Yevadgrāmasya sīmantaḥ suryasyodgamenāditi //
Svāhā /

Etasya prayogah --

Svāvidhaḥ śalyakani trisvetāni / Saptarātroṣitetaḥ
Kṛṣṇacaturdaśyām khādirābhissamidhābhiragnimetena
mantrenāstasatasampātām kṛtvā madhughṛtābhyām
abhijuhuyāt / Tata ekametena mantrena grāmadvāri

grhadvāri vā yatra nikhanyate, tatsarvāṃ prasvāpayati /
Baliṃ Vairocanaṃ vande śatamāyaṃ ca Sāmbaram /
Nikumbhaṃ Narakāṃ kumbhaṃ Tantukacchaṃ mahāsuram //
Armālavāṃ Prāmilāṃ ce Mandūkāṃ Ghatobalam /
Kṛṣṇakāṃsopacāraṃ ce Paulomāṃ ca Yaśasvinīm //
Abhimantrayitvā grhṇāmi siddhārtham savaśārikām /
Jāyatu jayati ca namaḥ śakalabhūtebhyah svāha /
Sukham svapantu sūnakāye ca grāme kutuhaleḥ //
Sukham svapantu siddhārthā yamartham mārgayāmahe /
Yāvadastamayādudayo yāvadertham phalam mama //
Iti svāha /

Etasya prayogaḥ --

Caturbhaktopavāsī kṛṣṇacaturdaśyāmasaṅkirṇa
ādahane belim kṛtvā mantrena savaśārikām grhitvā
potrāpauṭṭalikām badhniyāt / Tanmadhye svāvidhaḥ
salyakena vidhvā yatra itena mantrena nikhanyate,
tatsarvāṃ prasvāpayati /

['I bow to Bali, son of Virocana; to Sambara acquainted
 with a hundred kinds of magic; to Bhandirapaka, Naraka,
 Nikumbha, and Kumbha.

I bow to Devala and Nārada; I bow to Sāvarnigālava;
 with the permission of these I cause deep slumber to thee.
 Just as the snakes, known as ajagara (boa-constrictor) fall
 into deep slumber, so may the rogues of the army who are very
 anxious to keep watch over the village.

With their thousands of dogs (bhandaka) and hundreds of ruddy geese and donkeys, fall into deep slumber; I shall enter this house, and may the dogs be quiet.

Having bowed to Manu, and having tethered the roguish dogs (sunakaphelaka), and having also bowed to those gods who are in heaven, and to Brāhmanas among mankind; to those who are well versed in their Vedic studies, those who have attained to Kailāsa (a mountain of god Śiva) by observing penance, and to all prophets, I do cause deep slumber to thee.

The fan (camari) comes out; may all combinations retire. Oblation to Manu, O Aliti and Paliti.

The application of the above mantra is as follows :

Having fasted for three nights, one should, on the fourteenth day of the dark half of the month, the day being assigned to the star pusya, purchase from a low-caste woman (Śvapāki) Vilikhā-valekhana (finger nails ?). Having kept them in a basket (Kandolika), one should bury them apart in cremation grounds. Having unearthed them on the next fourteenth day, one should reduce them to a paste with Kumārī (aloe ?) and prepare small pills out of the paste. Wherever one of the pills is thrown, chanting the above mantra, there the whole animal life falls into deep slumber.

Following the same procedure, one should separately bury in cremation grounds three white and three black dartlike hairs (salyaka) of a porcupine. When, having on the next fourteenth day taken them out, one throws them together with the ashes of a burnt corpse, chanting the above mantra, the

whole animal life in that place falls into deep slumber.

I bow to the goddess Suvarṇapūṣpī and to Brahmanī, to the god Brahmā, and to Kuśādhvaja; I bow to all serpents and goddesses; I bow to all ascetics.

May all Brāhmanas and Kṣatriyas come under my power; may all Vaiśyas and Śūdras be at my beck and call.

Oblation to thee, O Amile, Kimile, Vayujāre, Prayoge, Phake, Kāvayusve Vihāle, and Dantakātake, Oblation to thee.

May the dogs which are anxiously keeping watch over the village fall into deep and happy slumber; these three white dart-like ^{^ hairs} ~~shirs~~ of the porcupine are the creation of Brahmā. All prophets (siddha) have fallen into deep slumber. I do cause sleep to the whole village as far as its boundary till the sun rises. Oblation !

The application of the above mantra is as follows :

When a man, having fasted for seven nights and secured three white dart-like hairs of a porcupine, makes on the fourteenth day of the dark half of the month oblations into the fire with 108 pieces of the sacrificial firewood of khadira (mimosa catechu) and other trees, together with honey and clarified butter, chanting the above mantra, and when, chanting the same mantra, he buries one of the hairs at the entrance of either a village or a house, within it, he causes the whole animal life therein to fall into deep slumber.

I bow to Bali, the son of Vairocana, to Śambara, acquainted with a hundred kinds of magic, Nikumbha, Naraka, Kumbha, Tantukaccha, the great demon;

to Armālava, Premīla, Mandolūka, Ghaṭodbala, to Kṛṣṇa with his followers, and to the famous woman, Paulomī.

Chanting the sacred mantras, I do take the pith or the bone of the corpse (śavesārika) productive of my desired ends -- may Salaka demons be victorious; salutation to them; oblation ! --

May the dogs which are anxiously keeping watch over the village fall into deep and happy slumber.

May all prophets (siddhārthah) fall into happy sleep about the object which we are seeking from sunset to sunrise and till the attainment of my desired end. Oblation !

The application of the above mantra is as follows :

Having fasted for four nights and having on the fourteenth day of the dark half of the month performed animal sacrifice (balli) in cremation grounds, one should, repeating the above mantra collect the pith of a corpse (śavasārika) and keep it in a basket made of leaves (patrapanttalikā). When this basket, being pierced in the centre by a dart-like hair of a porcupine, is buried, chanting the above mantra, the whole animal life therein falls into deep slumber.'

See Shamesastry, op.cit., pp. 451ff. Shamesastry's translation slightly differs from the original text quoted here.

R.P.Kengle (op.cit., p. 585) translates 'Yathe svapantya jagarā bhāṇḍakāh' thus :

'As the boa constrictors sleep, as also the camūkhalas sleep, so may men sleep, also those who, in the village, are curious.'

With a thousand vessels and with a hundred fellies of chariots, I shall enter this house; let the vessels remain silent.' According to him bilakha means a mouse or a hole-digger.

He (Loc.cit.) translates (Triratropoṣitaḥ Kṛṣṇacatur-dāśyām Puṣyayoginyām Svapākīhastādbilakhāvalekhanam prasvāpayati) as 'After fastening for three (days and) nights, one should, on the fourteenth of the dark half of a month with (the moon in) conjunction with the puṣya-constellation, purchase from a Svapāka woman the scrapings made by bilakhas. Placing them with māṣa-beans in a basket, one should bury it in an uncrowded cremation ground. Taking it out on the fourteenth of the next fortnight and getting it pounded by a maiden, one should make pills out of it. Then wherever one throws one pill after reciting this mantra over it, there one sends all to sleep.'

Kangle (p.587) translates 'Sukhaṁ svapantu siddhārthā yāvadārtham phalam mama' as 'May those who have achieved their object -- the object which we seek -- sleep happily till the rising (of the sun) after its setting, till the object is mine as the fruit.'

It is a better translation.

According to Kangle, siddhārthāḥ 'refers to wealthy men in the town.'

Kangle (p.585) translates 'Atigacchati ca Alite Valite', etc., as 'As I go beyond, may all together go away.'

O Alitā, O Valitā, hail to Manā!

Abhi mantrayitvā grhṇāmi . . . sakalabhūtebhyah svaha is translated by him (p.587) as consecrating with mantras, I take

the dead Sārikē for the sake of success; may it succeed, and it does succeed; salutation to quill-beings. Hail ! '7

According to Kangle (p.585, note 19) opines that the the sleep-charms prasvāpana-mantras are 'intended primarily for thieves.'

The Sānmukhakaḷpa, op.cit., pp. 18ff :

// 0 // Oṣopaneṇ kartukāmeḥ
// Om Kumbhe ~~ḥ~~ikumbhe Kumbhe Karnnakṛte om Mahākālī
svapah āñjanakālī svapah bhadrakālī svapah kumbha-
karnṇa svapah yāvat suryodayās tāvat svapah svāhā //
sarṣapa satābhimantritan kṛtvā gr̥he prakṣipet //
sadyah svapati //

Ibid., pp. 12 ff :

Om nemo namah hri vesa raktanayana bhāskera bhāva
s vasam agacched ana dravyā-vāhana samayesthāpana svāhā //
pāsāneguṭika gr̥hya siddhārthakena misrayet //
satābhimantri / tam kṛtvā bhūya tēdayet ✓
uṣopaneṇ kṛtam bhavati /

Ibid., pp. 13ff:

// (Om) // Oṣopaneṇ karttūkāmeḥ // imāmsarṣapī mahāraudra
rudrasyevam āgata / yā nidrā kumbhakarnṇasya āsivisapta
syā gavesya yuddhe vā hatasāstasya ce / yā nidrā
pradhadyantu yā vac candrasuryodayās tāvat svapanta
sili satmukhasya svāhā // agni prajvālya enena mantrena //
Om bhūr bhuveḥ sva dāmedāminisura mahāmani avasyam
vasyakara sarvva satvenī vasyam enaya svāhā /// gr̥hi-
tānam mokṣanemantre // Kumbhakarnṇasya yā nidrā

gonāsasya ca yā nidrā Kumbhakarnnasya bhāgini
sudhasāksāpīśācīkāgrhītasya svapiddhi puruṣe
smasānāmṛtakam yathā osopenam karisyāmi //
sarvvakurkura bhuktasyapāpasya vā yāvat
sūryodayam bhavati // tāvat svapantu curukunde
namah svahā // namo mahāpuruṣasya kalivirocanes
candrasenamuttripiṇṇa sahasūra mahāsūra yāte ye
na le a le aparājitam // yā nidrā kumbhakarnnasya
dāsīdāsakarmakarasya yā nidrā denantuta yāvat
sūryode yasya darsanam svahā //

^{also}
 See pp. 15, 19, 44, 51, 56, 61.

6. Spells causing change in complexion, appearance, sex, etc.

For the formulae for causing disfiguration or change of colour, see Kautilya, ed. Basak, op.cit., pp. 150ff.

Svetabastamūtre saptarātroṣitaiḥ siddhārthakaṣṣiddham
tāilam katukālāveu māsārdhamāssasthitam catuspada-
dvipadānām virūpekeranam / Takrayavebhaksasye
saptarātrādūrdhvam svetagardabhasye landayavai-
ssiddham gauresarṣepatāilam virūpekeranam /

Etayoranyatarasya mūtrālandārasasiddham siddhār-
thetāilamarketūlapatāngacūrṇa prativāpam svetīkeranam /

Svetakukkutejagaralandayogaḥ svetīkeranam /
svetabastamūtre svetasarṣepāḥ saptarātroṣitāstakra-
markakṣīremarketūlakatukamatsyavilengāsca eṣa
pekṣasthito yogaḥ svetīkeranam /

Samudramandukīśānkhasudhākadālīkṣārata-
krayogaḥ svetīkeranam /

Kadalyavalgujaksārarasāsuktāḥ surāyuktāstakra-
rkatūlasnuhilavaṇam dhānyāṁ ca pakṣasthito yāgeḥ
svetī karanam /
Kaṭuklavauvalligate nāramardhamēsasthitam
gaurasarsapapistam romnām svetīkaranam /
Arkatūlo'rjune kitāḥ sveta ca grhagaulikā /
Etena piṣṭenābhyaktāḥ keśāssyuh saṅkhaṇḍarāḥ //
Kukkuṭikosātakeśātāvarimūleyuktamāhārayamāno
māsena gauro bhavati /
vatakeśāyasnātāḥ sahaḥcarakalkedigddāḥ
kṛṣṇoḥ bhavati /
Sakunakāngutailayuktāharitālamānes'sitāḥ
syāmīkaranam /

Kangle (op.cit., p. 579) translates the above passage thus :

"Oil, prepared from mustard seeds kept from seven nights in the urine of white goats and kept in a bitter gourd for a month and half a month, is a means of disfiguring quadrupeds and bipeds.

The oil of white mustard seeds, boiled with barley-grains (taken) from the dung of a white donkey fed on butter-milk and barley, after seven nights, is means of disfiguration.

Mustard oil, boiled along with the urine and dung of either of these two, with the addition of the powder of arka, tūla and pātanga, is a means of making (a person) white.

A mixture of the dung of a white cock and a boā constrictor, is a means of making white.

White mustard seeds, kept in the urine of a white goat for seven nights, butter-milk, the milk of arka, salt and grains -- this mixture kept for a fortnight is a means of making white.

'A mixture of the female sea-frog, conch-shell, sudha, i.e., mūrvā grass, kadali, salt and butter-milk, is a means of making white. The soured juices of Kadali, avalguja and ksāra, mixed with wine, butter-milk, arka, tūla, snuhi, and salt and the sour gruel of grains, -- this mixture kept for a fortnight is a means of making white.' ^{^ Ibid.} [See p. 579, note 8].

The flour of white mustard seeds, kept for half a month in a bitter gourd while still on the creeper, is a means of making hair white.

The insect that is known as alojuna and the white house-lizard -- hair smeared with this paste (prepared from them) would become as white as a conch-shell.

[In the text quoted above, we have arka, tūla, two kinds of arjuna and an insect. Kangle says that this is not very convincing. ^{^ Ibid.} See op.cit., p. 580, note 10.]

One, eating (food) containing the roots of Kukkuta, kosātakī and śatāvarī, becomes fair-complexioned in a month.

One, bathing in a decoction of vata (and) smeared with the pulp of sahacara, becomes black.

Yellow orpiment and red arsenic, mixed with the oil of sakuna and kangu, are a means of making dark."

The Sanmukhakalpa ^{^ (op.cit., pp. 54 ff.)} describes many spells for changing the appearance. ^{^ (op.cit., pp. 54 ff.)}

(Om) // ayam ayam gandha sarvvakarmmika svayam satmukhe-
na dharitam // sarvvasaubhāgyam janānām sa rvvatra
aparājitam // kunkama / gorocana / syāmakah / so nayakah /
salara / usīrah / utpala / māñjīṣṭhā / kuṣṭha /
priyaṅguh / nāgakesārah / haridhārah / patraka /
tagara priyala / vacā / bhādrāmusta / kāsmīrah /
viśamūśakah / aguru / dvecandana / paṭāmāñjari / aśva
māñjari / vilvapūṣpa / mālatī pūṣpa / svētamārica /
jīrṇa sarppi / sumukha / padmakesārah trinsatābhi
samabhāgāni kārayet / akāśavārīṇā piśayet ca gutikāni
kārayet // oḥāyā parisōṣayet smasānam jātva
sarvvakarmmikavalīm datvā / idam a aṣṭasahasram
japet // calite siddhi // tatkarmanī karoti
bhṛtīnām karmmanām kārye prayojayet //
śaḍakṣaramantreṇa jāpya //
mukhe dharitā yam icchatī tad rūpam vā karoti / . . .

1 Ibid,

(P.58):

trīratrositena gandha dhūpa pūṣpa argha sarvvabhūti-
valīm nivedya aṣṭottarañ japet / puna suddhakāṣṭenāgni
prajvāṭya / sumukha / mayūrasikha / raktakumārī /
mahodadhī / samabhāgam kṛtvā navanī tābhyaktānām
aṣṭasahasrañ juhuyāt / sa bhāsmān grhya nāgake
śera / padmakesāra / aguru / kumkuma / candana /
turuṣka / gorocana / dhyāmaka / ṣoṇayaka / usīra /
utpala / śrīveṣṭaka / etc. samabhāgam kṛtvā
akāśavārīṇā piśayet // sahasra pari jāpya ātmāna
parilepayet // pakṣigaṇām icchantī / pakṣisamam

• bhavati // pasusamam icchanti / pasusamam bhavati /
strīm icchanti stri bhavati purusam icchanti puruṣo
bhavati /

Ibid., pp. 68ff. :

Om harīṇe svāhā // grāmakurkutaṇṭram sārāṣanetrām
Kṛṣṇavidālanetrām traidhararudhireṇa guḍikām vaṣet //
tat mukhe dhāritena visvarūpo bhavati //

.....

Om namo ādityāya krama 2 curu 2 svāhā / golāṅgulanetrām
vānaranetrām cchāgarudhireṇa guṭikām kārayet //
Tat mukhe dhāritena ulūko bhavati //

Ibid., pp. 69ff. :

Om harīṇi 2 hara 2 svāhā / pakṣigajānetra maṇḍūkanetra /
kurkutarudhireṇa kṣaudraṇa guṭikām vaṣet ghṛtakṭa
mukhe prakṣipyā vr̥ddho bhavati // Om harīṇi 2
parākrame svāhā // etenaiva matraine jīvañjīva
tittiri bhapṛṣṭa śikhāṇḍī / etad aṁ turvā bhāṭam
gr̥hya śivārudhireṇa guṭikām kārayet // tat mukhe
dhāritena svamūtreṇa bhuṣayet // yam icchatī
tad rūpen dhārayati //

7. Charms for breaking fetters

Here are two charms for breaking fetters (Kauṭilya, op.cit.,
ed. Basak, op.cit., p. 152) :

Cucundarī khañjarīṭaḥ khāraṇīṭasā pīsyate /
Asvamūtreṇa samsr̥ṣṭa nigalānām tu bhañjanam //
Ayaskāntovā pāṣaṇaḥ /

['The musk-rat, the wag-tail and the salt-insect are ground to powder; mixed with the urine³ of a horse, (they are) a means of breaking chains.' The sun-stone or any other stone is a breaker of chains.

See Kangle, op.cit., 582; Arthasāstra, ~~trans.~~ Basak, 1967, Vol. II, p. 319.]

The Sanmukhakaḥkalpa, op.cit., p. 32 :

Vandhanamokṣakarttukāmaḥ // Om ālokavikini
sarvvabhayavandha nivāraṇi muñca 2 he bhagavati
devī svāhā // agni hotrabhasma ākā sasim Kṣalem
satābhimantritam kṛtvā nigadasyātayet -
vandhanamokṣo bhavati //

See The Brhat Tantrasārah, ed. Kṛṣṇānanda, ^{Aganvāgīśa} p. 410 :

Atha nigadavandhanamokṣaṇam / Om namaḥ nirṛte rte
tigmatejo yanmayam vivretā vandhameta yamena dattam
tasya samvidā nōttame, nāke aghoroḥa vairama /
Asya nigadabhañjanamantrasya prajāpatirṛṣirni-
rrtirdevatā trṣṭupchando vandhanādivyasanaparihāre
viniyogaḥ /

When this is recited ten thousand times, one will be released from bonds or confinement (Vandhanādivyasanācā mukto bhavati . . .).

8. Spells for making holes in walls :

The Sanmukhakaḥkalpa describes spells for making holes in walls (op.cit., pp. 12-13) :

(Om) // caurasāstrāṁ karttukemah // Om namo namaḥ hri vesa
raktanayana bhāskara bhāva s yasam agacched ana dravya -
vāhana samayasthāpana svāha // pāsānagutika grhya siddhār-
thakena misrayet // satābhimantri / tam kṛtvā disividiśi
sākṣipet // disākṛto bhavati // kudye ca simhamukham
likhya rāksasamukham vā li khya tatrasiva yogena tadāyēt //
vidārayati yasya ca yam icchati tan karoti // niskramya
tenai va pāsānena tadāyēt // punaḥ samharati //

See also pp. 30 and 59.

9. Spells causing blindness ;

Kautilya describes several formulae for causing blindness.

Here are some samples ./

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Kautilya, XIV. 1 (ed. Basak, op.cit., p. 148) :

Putikītamatsyakatutumbīsatakardamedhmendragopa cūrṇam
putikītakṣudrārālāhemavidārīcūrṇam vā basta-
śrṅgakhuracūrṇayuktamandhikaro dhūmah /

['The smoke caused by burning the power of putikīta (a
stinking insect), fish, katutumbī (a kind of bitter gourd), the
bark of satakardama (?), and indragopa (the insect cochineal),
or the powder of putikīta, kṣudrārālā (the resin of the plant,
shorea robusta), and hemavidārī (?), mixed with the powder of the
hoof and horn of a goat, causes blindness.']

Shamasastri, op.cit., p. 442.

Kautilya, XIV. 3 (ed. Basak, op.cit., p. 156) :

Kṛṣṇacaturdaśyām sāstrahetayā ^{goat} kapilāyāḥ pittaṇa
rājavr̥kṣamayīmamitrāpratimām anjyāt; andhikarāṇam /

['When the figure of an enemy carved out of rajavrkṣa (cassia fistula) is be smeared with the bile of a brown cow killed with a weapon on the fourteenth day of the dark half of the month it causes blindness (to the enemy). ']

See Shamasastri, op.cit., pp. 454-55.

The Sanmukhakaḥkalpa, op.cit., p. 18 :

// 0 // dr̥stivandhā kartukāmah // Om mahāsenāya vi nmahe
kumārāya dhīma he ta no graha pracodayat svāhā // anena
mantrena satabhimantritaṁ kṛtvā pāmsu caturdisaṁ kṣipet /
dr̥sti stambha yati //

Ibid., p. 21 :

// 0 // dr̥stistambhanam karttukāmah // Om tha 2 ta 2 ka 2 -
kha 2 sa 2 svāhā // hastadvaye devavamsapatra satabhiman-
tritaṁ kṛtvā gr̥hya dr̥sti stambhayati //

^{also}
See p. 51.

10. Spell for knowing about things in a house

The Sanmukhakaḥkalpa, op.cit., p. 17 :

// Om // vastuvidyākarttukāmah // vr̥haspatidāsyoa
si sarvve risibhir nnirmita vastudeva vastudeva
kathayisyāmi vr̥haspativaco ya - thā svāhe //
Siddhārthaka citibhasmamisraṁ satabhimantritaṁ
kṛtvā vastumadhye tādāyēt // dravyaṁ jānāti //
dharminīśarpasya vasa mahātaile mahādarityanta
nāgalatam ca samam kṛtvā pīsayet // hastau prelipyā
bhūmya spr̥set kudyagetam dravyaṁ jānāti //

See p. 53 also.

11. Spells for entering into others' houses,

The Sanmukhakalpa, op.cit., p. 54 :

// rocana / mayūrapī tta / kumkumeh / padmakēsarah /
māmsī / priyāṅguh / usīra / vyāghranakhe / vijapūrek-
epretrah / kaṇṇakapuspah / āvramāñjarī / suksmela /
tvac / indrahastah / ete samabhāgam kṛtvā akāśavārīnā
bhya paragrhendham iva yathāsukhena praviśati
sarvvaṇṇa stambhayati //

Cf. Kṛṣṇānanda Āgamaśāstra, op.cit., p. 435.

12. Some other spells :

The Sanmukhakalpa (op. cit., p.29) also describes spells
for cleaving mountains, earth, trees, etc. which might have been
used by thieves and robbers to escape through them while being
pursued by the police and others :

parvvatavidāraṇāṇi karttukāmaḥ // Om mahāsena / mahāvala
parākramāya mahāvidrā yanēyī vrksapervvatapāsānābhūmi--
vidāraṇāya -- satmukhāya / saktidharāya vidāraya
sarvvamantṛam metha 2 bhāñja 2 cūrṇāya 2 pātaya 2 svāha //
sarsapa / mayūracandrikā // vajasūcikā / - ekikṛtya
satabhimentritān kṛtvā parvvatān tādayet / vidārayanti
tathaiiva ca // bhūmi tādayet // vidyātisu bhāṅgaṇ
kṛtvā yatra icchatī tatra gacchatī // kudyam tādayet
cchidram bhavati //

Kauṭilya refers to spells that enable a person to walk long
distances without fatigue (XIV.2; Basak, op.cit., p. 152) :

Uluka³gr³dhr³ava³sā³bhā³mu³strac³ermopā³nahā³vabhyajya³ vatapatraih
praticchā³dyā pañcāsā³dyojanā³nyaśrā³nto gacchatī / syā³neken-
kakā³ka³gr³dhrā³hamsakrauñcavī³cirallā³nām majjā³no retā³msi
vā yojanāsātā³yā / Simhavyā³ghradvī³pikakolū kā³nām majjā³no
retā³msi vā sārva³varnikā³ni garbhapatā³nānyustrikā³yāmabhipū³yā
smaśā³ne pretā³si sū³nvā tatsamutthi³ tam medo yojanāsātā³yā /

['When a man makes a journey, wearing the shoes made of the skin of a camel, smeared over with the serum of the flesh of an owl and a vulture and covered over with the leaves of the banyan tree, he can walk fifty yojanas without any fatigue. (When the shoes are smeared over with) The pith, marrow or sperm of the birds, syēna, kankā, kākā, grdhra, hamsa, krauñca, and vīciralla, (the traveller wearing them) can walk a hundred yojanas (without any fatigue). The fat or serum derived from roasting a pregnant camel together with sptaparṇa (lechites scholaris), or from roasting dead children in cremation grounds, is applied to render a journey of a hundred yojanas easy. ']

Shamasastriy, op.cit., p. 450.
(op.cit., pp. 9-10)

The Sanmukhakalpe describes spells for very quick movement :
(op.cit., pp. 9-10) :

// Om krauṁ svāhā // anena mantrena kapiicchāmenjari
suvarṇnacaurika siddhārthakatailan va a ntariḁse .
akāsavarīnā piṣayet // eka³rātro³sitena eka³lingesmasā³nam
vā gatvā servva karmmikavāla datvā pūjayet // sirāsi
sthāpya idam mantra jayet / tena piṣemāne kēkolūkān
darsayet // gamenakāle pādo pralepayet // upā³cho
mrgācarmena kārayet // nimisamātrī³na vinsati yojanā
gacchatī //

Spells for walking on water (Ibid., p. 71) :

// Om harini 2 moha 2 bhitta 2 svāhā // gr̥ddhanetram
valākanetram gomāyunetram / gar̥ddābhanetram pañca
pāñcāsanetram / kumbhīravasa samā yukta tenaiva rudhi-
rene gutikān kārayet // taste gr̥hya nāsti ki cid
bhayam tasya tenāñjitanetram // vasaya saha pādān
mrakṣayet // jale sthalavad gacchati //

Also see p. 45.

The Parisiṣṭaparvan, XII. 70-71 refers to a magical
unguent which enabled a monk to walk on water as if it were
dryland :

Vidhāya pādālepam ca pādūke paridhāya ca /
Jale'pi sthalavatpādān vinyasya sañcacerāṇ sah //

~~These spells might have been used by master thieves who
were experts in all sorts of magic. As the work, Sanmukhakaṭpa
(Rites of Skanda) again and again refers to Skanda, taskeradipati,
the caurasāstra, and the spells generally used by thieves and
robbers, it may be assumed that this book was primarily written
for those criminals.~~

Kautilya describes two interesting charms which might have
been used by thieves (XIV.3; Besak, op.cit., p. 157) :

Rātripreksayām pravṛttāyām pradīpāgnīsu mṛtadhenossta-
nānutkr̥tya dāhayet / Dagdhan vṛṣamūtrena pesayitva
navakumbhamant^aarlepayet; tān grāmamapesavyam parināya
tatre nyestān^{xx} navanītameśān tatsarvamāgacchatīti /
Kṛṣṇacaturdasyām puṣyayoginyām suno lagnakasya yonau
kalāyaśīm mudrikām preṣayet; tān svayam patitām
grhṇīyāt; tayā vṛksaphalānyākāritānyāgacchanti /

[When a night show is going on, one should cut out the udders of a dead cow and burn them in the flames of a lamp. When burnt, he should grind them with the urine of a bull and smear a new jar inside (with it). When one takes it round the village leftwise, whatever butter may have been kept there by those (villagers), all that comes (into it).

On the fourteenth of the dark fortnight, when there is conjunction (of the moon) with the pusya - constellation, one should insert into the vulva of a bitch in heat an iron signet ring. One should pick it up when fallen of its own accord. Fruits from trees come to one who called with it.] R.P.Kangle, op.cit., p. 590.

The Sanmukha Kalpa, op.cit., p. 70 has a somewhat similar spell for bringing things or persons :

// Om // harini sveti ka pitike svaha // vṛṣanetrām
sarpanetrām parāvatānetrām kurkutārudhireṇa
gudaken kṛṇvet // tenāñjayetrāyacchatī / tan
nirīksam ānāyati /

CHAPTER VI

Some Questions Regarding Thieves and Robbers

1. Recruitment

Thieving and robbery had never been the monopoly of any particular caste or tribe. Indeed the profession was open to everybody. Besides the poor and the destitute, princes, sons of noblemen and even Brahmanas resorted to it. We have already referred to the Brahmana thief, Sarvilaka. On encountering a strange-looking Brahmana in the Vindhya forest, prince Rajavahana requested him to disclose his identity. The Brahmana said, 'in this forest dwell many nominal Brahmanas, men who abandon scriptural and other learning, spurn the duties of their order, put away truth, purity and all the virtues; who seek after sin, following the lead of savages and eating their food. Of one of these I was the reprobate son, and my name is Matanga. With a barbarous ^{band} ~~lead~~, I would enter settlements, seize wealthy villagers with their wives and children, imprison them in the forest, plunder all their property, and destroy them. So I lived, a stranger to pity.' (1) Though robbers sometimes drew to their ranks men of upper castes, robbery in an organized way was generally practised by low-class people and wild tribes so much so that, from the Vedic times onwards, such people have always been disparagingly described as thieves and robbers in literature and folk-tales.

In fiction, at least, the names of the wild tribes, such as Sabar, Pulinda, Nisada, Kirata and the like, have lost every trace of the ethnic or geographic meaning which they bore in an older time. (2) In fiction the entire list is synonymous with organized

brigands and their names are used without any sign of differentiation.⁽³⁾

2. Habitat

Thieves generally lived in desolate places⁽⁴⁾ like the outskirts of villages, towns, in underground caverns near deserted temples or cemeteries.⁽⁴⁾ Sometimes they also lived in villages, hills and forests. The cave of a thief was luxuriously furnished and illuminated by blazing lamps.⁽⁵⁾ King Virabahu entered a thief's cave where there were beautiful women adorned with many jewels full of ever new delights and looking like the city of snakes.⁽⁶⁾ Numerous families of thieves lived in the caves, which, shut in by bamboo network, were in the recesses of the mountain Vaibhara.⁽⁷⁾ Thieves generally frequented public roads, bathing places, places of pilgrimage, temples, wine-shops, gambling houses, brothels and the like which will ^{also mentioned} be described in detail in a subsequent chapter. Robbers generally lived in forests, hills, borders of kingdoms, and in villages of their own. A few names of the forests haunted by robbers have been preserved in literature and folk-tales though it is difficult to say whether all of them were real or fictitious names. These are the Vindhya, Raudra, on the Durgatilaka mountain, Sadurgadri, Kadamberi, Dantaraktika; Hintala, the jungles of the Vaibhara mountain near Rajagrha, etc.⁽⁸⁾ There were certainly dense forests haunted by robbers on or near important trade-routes connecting great cities and ports like Sravasti, Pratisthana, Rajagrha, Taksasila, Tamralipti, Vidisa, etc.⁽⁹⁾ As pointed out earlier, the Vedabbha Jataka⁽¹⁰⁾ speaks of a forest which lay on

the road that connected the Varānasi and Cedi countries as being infested by two gangs of 500 robbers each. As already mentioned, Hiu/en-Tsang speaks of forests in the Punjab, on the bank of the Ganges and also in many parts of India which were haunted by ferocious robbers. ^(10a) The Vindhya forests, notorious for brigandage, have been described thus : 'Here hundreds of lions are killed by the mountain-tribe chiefs who are eager to possess pearl beads of the frontal globes of elephants clinging to the tips of their claws. The forest looks like the city of the God of Death, because it is as fearful as the haunt of death. Like an army ready for battle with arrows fixed to bows, and with the raising of the war-cries, it has been resting on bana and asana trees and dinning with the roars of lions. ^{It is dreadful with wafting} Khadga trees (or with roaming rhinoceroses) and is adorned with red sandal trees and thus resembles the Goddess Durgā who is frightful with the brandishing of her sword and who has anointed her body with red sandal paste. It has in its vicinity huge mountains.' (11)

Another description of the same forest: 'through grief at being overrun with many robbers, it made its cry heard day and night in the shrill screams of animals which were being slain in it by lions and other noisome beasts . . . its space seemed ever to extend before the traveller as fast as he crossed it.' (12)

Near Rājagrha there was 'the mountain Vaibhāra, delightful with its plateaux, which was ever a place of repose for both thieves and ascetics. The mountain where thousands of lions and

tigers roared by day, while [by night] it was terrifying with the howls of jackals and the hootings of owls, was resplendent with vanaspati measured by eighteen bharas (load) and with cascades like marvellous ropes of pearls.⁽¹²⁾ Robber-settlements were generally known as corapalli,⁽¹³⁾ coragamaka,⁽¹⁴⁾ pakkana,⁽¹⁵⁾ etc. Some of the names of the robber-settlements⁽¹⁶⁾ were simhaguha, Bhisena, Girikurungika, Karbhagriva, etc.

In the Vivagasuya,⁽¹⁷⁾ there is a vivid description of a robber-settlement named Salaḍavi which was situated in a forest in the north of Purimatāla. It was located in an unapproachable mountain-ravine, guarded by a wall and bamboo hedges and encircled by a trench formed by inaccessible waterfalls of the mountain. It had one gate, many secret passages and a water-supply of its own. Even an army could not capture it. The owner of this settlement, Vijaya gave a/sylum to all bad characters like thieves, debauches, cut-purses (ganthibheya), burglars (sandhiccheya), wearers of rags (gamblers and thieves who cannot get proper clothes to put on), persons whose hands and noses have been cut off, ~~men who have been cut off~~, men who have been exiled or declared undesirables for grave crimes and the like. Secure in his stronghold, this robber Vijaya 'raided towns and villages, lifted cattle, took captives (who were released on ransom), committed highway robberies, terrorised people by breaking open their walls, torturing them, destroying their property, beating them, ousting them, etc., and even by exacting taxes from them at pleasure. He even demanded taxes from king Mahābala himself. After him, his son Abhagrasena

harassed the country like him.'⁽¹⁸⁾ The chief of a Bhilla village, lived with many other bandits 'terrible as Yama's servants, vastly cruel, like Raksasas (ogres) that infest the night.'⁽¹⁹⁾ The Mallināthacaritā⁽²⁰⁾ refers to a village "turbulent with the hallisaka dances of the robbers' women." A robber-village, called Simhaguha, was 'a gathering place for harlots.'⁽²¹⁾ The stronghold of the robber-chief, Durgapisāca, was situated on a table-land of the Vindhya which was tangled and inaccessible.⁽²²⁾ The walls of the palace of the Bhilla chief, Ekākikesarin, were covered with the tusks of elephants and adorned with tiger-skins.⁽²³⁾ Here is a description of a barbarian settlement in the Kādambarī : ' I beheld the barbarian settlement, a very market place of evil deeds. It was surrounded on all sides by boys engaged in the chase, unleashing their hounds, teaching their falcons, mending snares, carrying weapons and fishing, horrible in their attire like demoniacs. Here and there the entrance to their dwelling hidden by thick bamboo forests, was to be inferred, from the rising of smoke of orpiment. On all sides the enclosures were made with skulls, the dust heaps in the roads were filled with bones; the yards of the huts were miry with blood, fat and meat chopped up. The life there consisted of hunting; the food, of flesh; the ointment, of fat; the garments, of coarse silk, the coaches, of dried skins; dogs as household attendants, cows for riding; wine and women men's only employment; blood as oblation to gods; cattle as sacrifice. The place was the image of all hells.'⁽²⁴⁾ References to robber-villages are numerous.⁽²⁵⁾ The criminal activities of the robber 'persisted

till quite recent times. G.F. Whitworth says that there were dacoits who were robbers by profession and brought up their children to the same occupation. They were banditti with strongholds to retire to and often committed raids on a large scale, a gang in some cases numbering several hundreds. (26) Robbers always kept strict vigil over their settlements and their spies carefully collected information regarding the plans and measures of the kings against their settlements. (27)

3. Guilds

Thieves and robbers formed guilds of their own and lived under their chieftains known as pallīśa, pallīpati, chorajetthaka, corasenavai, etc. (28) According to Bloomfield, 'entire communities or guilds of thieves and robbers operated under the tutelage of the goddess Durgā (Kālī, Devī, etc.) who is also the tutelary divinity of the thugs. The wild tribes of Bhillas, Sābaras, Pulindas, Kirātas, etc., who infest forests, especially the Vindhya forests, especially the Vindhya forest, have a continuous organization under regular chieftains (pallīśa) and kings; they in addition to robbing, also offer human sacrifices to Durgā. (29) The Jātaka stories (30) often refer to robber-guilds generally consisting of 500 robbers (500 is certainly a conventional number). There are also references to robber-bands of 900, 499, 400, 50, etc. (31) As occupation often determined the caste in ancient India, robbers being of the same caste grouped themselves together, lived in the same village, framed some laws binding upon every member of their guild and for livelihood, attacked caravans and

travellers under their leader who was generally the oldest man in their guild or the strongest and boldest robber of their settlement. The Rgveda, Atharvaveda, Vajasaneyi Samhita, Pancavimsa Brahmana, etc., refer to the Vrata which means 'troop'. According to Roth, it means, a 'guild'. The word 'Vrata-pati' (lord of troops) mentioned in the Yajurveda Samhitās probably means, according to Zimmer, 'the chief of a band of robbers.'⁽³²⁾ Pāṇini⁽³³⁾ refers to the ayudhayivins. Of them, the Vratas followed violent pursuits. They lived by plunder and violence. 'The Vratas were bands of war-like roving aboriginal tribes with whom the Aryans came into conflict. The Rgveda refers to the Aryan heroes as Vratasāhah (VI. 75. 9)⁽³³⁾. From Pāṇini it appears that the Vratas lived at an elementary stage of sangha government. The Vratas were probably the same as the vratyas.⁽³⁴⁾ Most probably they were degraded Aryans and did not observe the rules that regulated Aryan life.⁽³⁵⁾ The Vratyas are mentioned in the Yajurveda, Atharvaveda, Pancavimsa Brahmana and the Sutras.⁽³⁶⁾ It is difficult to determine the locality where these people lived. Their nomad life (Vrata = Vagrant) however, suggests that they were the western tribes of the lands beyond the Sarasvatī.⁽³⁷⁾ Probably most of these people were Yaudhas (warriors). 'Since Pāṇini's time up to now, the predatory habits (utsedha) of these tribes have continued. For example, the Zakkakhel clan of the Afridis are notorious as the most active bands of thieves on the frontier.'⁽³⁸⁾ According to Kautilya,⁽³⁹⁾ the Kambojas, the Surastras, the Ksatriyas, the Srenis and others lived by economic vocation and

the profession of arms. These guilds ⁽⁴⁰⁾ maintained armed bands from which the king recruited soldiers. ⁽⁴⁰⁾

Sometimes a sreni, which was a guild of fighting men who normally carried on peaceful occupation or just a guild of artisans or merchants which supplied soldiers to the royal army and protected itself with armed men -- the men being its brave members, consisted of many men and caused oppression by theft and violence. ^(40a) Kautilya ⁽⁴¹⁾ also refers to the coragana (guilds of robbers) from which soldiers might be recruited by a weak king. According to Justin, ⁽⁴²⁾ Chandragupta Maurya collected a band of robbers and overthrew the Greeks with its help. Some hold that these robbers were the republican peoples of the Punjab. It may be contended that Chandragupta recruited his soldiers from some robber-guilds of that area. The Rgveda ⁽⁴³⁾ refers to the troops of the Maruts by the terms, Sardha, Vrata, and Gana. Does Vrata refer to the contingent supplied by the robber-guild called Vrata ? According to Brhaspati, ⁽⁴⁴⁾ robbers should settle their disputes according to their own laws. Does this refer to the laws of the robber-guilds ? The rules to be followed by robbers regarding the distribution of the booty have been mentioned earlier.

According to the Vinaya-pitaka, a woman-thief should not be ordained as a nun without the sanction of the authorities concerned. ⁽⁴⁵⁾ The sanction of her guild was necessary in such cases. The robber-chiefs often became so powerful as to defy the kings and emperors. ⁽⁴⁶⁾ In strength and wealth some of them ⁽⁴⁷⁾ could be compared with kings and cases of alliance on almost equal footing between Aryan kings and heads of ~~Non-Aryan~~^a tribes with plundering

habits were ^{not} rare. (48) Before describing their dress, appearance, strength, etc., a few samples of their names may be given. The names (49) generally symbolize, as expected, cruelty or ruffianism : Candasiṃha, Siṃhacanda, Siṃhaparākrama, Durgapisāca, Bhīma, Bhīmala, Dr̥dhaprahārin and the like. Probably most of these names were fictitious. (49)

4. Dress, appearance, strength, etc.

The clothes generally worn by thieves at the time of thieving have been referred to earlier. The dress of robbers and chiefs of criminal tribes were, however, different. The leader of the Vratyas, a nomadic criminal tribe 'were a turban (uṣṇiṣa), carried a whip (pratoda) a kind of bow (jyāhroda), was clothed in a black (kṛṣṇaśa) garment and two skins (ajina), black and white (kṛṣṇa-valakṣa) . . . The others, subordinate to the leader, had garments with fringes of red (valūkāntāni dāmatuṣāni), two fringes on each, skins folded double (dviśamhitāny ajināni), and sandals (upānah). The leader wore also an ornament (niskā) of silver. (50)

The Sabara leader, Mātanga in the Kadambari wore a silk dress red with cochineal. Some of his followers wore crows' feathers and others 'like the days of the rainy season, had garments dark as clouds.' (51) A follower of the robber-chief Vindhya-ketu is described as having a 'bow in hand, with his hair tied up in a knot behind with a creeper, black himself and wearing a loin-cincture of Bilva leaves. (52) The men of the Sabara King Mayāvatu were adorned with peacocks' feathers, elephants' teeth,

and clothed in tigers' skins. ⁽⁵³⁾ The Sabara women used the tails of peacocks as garments, strings of gunja fruit and pearls as ornaments, and the ichor that flowed from the forehead of elephants and musk as perfumes. ⁽⁵⁴⁾

Thieves and robbers were generally very strong and stout. Agaladatta saw a thief in the guise of a religious mendicant having firm calves and long legs. The staff-like arms of another thief 'resembled the trunk of an elephant, spacious was his chest, shaggy his hair; he was endowed with the fresh bloom of youth, fierce, red-eyed and long-legged. ⁽⁵⁵⁾ Sarvilaka ⁽⁵⁶⁾ boasted that in strength, he was a lion and a wolf to rend and tear. ⁽⁵⁶⁾ The thief Purnabhadra was very tall having arms massive like a long iron bar. ⁽⁵⁷⁾ Wayward princes and profligate sons of the rich who often took to thieving were often extremely handsome and numerous stories about beautiful women's infatuation for thieves and robbers clearly indicate the latter's manly appearance and bewitching beauty.

Raahineya's body 'shone with an intense light as if he were made of gold; it was difficult to look at him because of his splendour, like the sun when it has risen on the earth. He astonished the multitude by his face that resembled the autumnal full-moon; his nose was like a sesame blossom and his eyes were like those of a wagtail. He was resplendent with a serpent-like braid of hair that hung down near his mouth which was like a jar of speech-nectar he shone resplendent with his sectarian mark (pundra) and with beautiful locks of hair. The rows of his teeth were like seeds of the pomegranate fruit; his voice was pleasant; his neck was shell-like; his shoulders broad; he was full-chested and courageous.

His arms were like a yoke; both his hands were marked with the conch and the disc (signs); his waist was shaped like an axe; his disposition was gracious; his ankles were delicate; his legs were like a deer's; his feet were lotus-shaped; his nails glistened with the great brilliance of a mass of the coral-bead plant.' He was handsomely costumed, 'erect, calm, very gracious, well-formed, proud, bold, brave, powerful, fearless in battle, familiar with love, handsome, a house of love for charming young women.' (58)

Rauhineya could jump from house to house like a monkey and get over the wall with a leap like lightning. It was impossible to catch him. 'While we follow his track by the road, he disappears.

Varily, lost by one step, he is lost by a hundred.' The thief Lohakhura 'was a terrible man and like quicksilver personified.' (59)

A notorious thief displayed (60) extraordinary bravery in battle against the army of King Viraketu. (60) Sarvilaka (61) freed his friend by breaking the jail and organized a revolt against the King Palaka. (61) Prince Apaharavarman, who often resorted to thieving, was extremely handsome, very strong and capable of wounding and killing several armed police ^{men} even in a drunken state. (62)

The robber-chieftain Durgapisāca 'seemed like a second Vindhya range, for his body was firm as a rocky peak, his hue was black as tamēla, and Pulindas lay at his foot. His face was rendered terrible by a natural three-furrowed frown, and so he appeared as if Durgā, the dweller in the Vindhya range, had marked him with the trident, to claim him as her own.' He was young, black and crouched to none. 'Like a fresh cloud, he displayed the peacock-tail and the gay-coloured bow; like Hiranyākṣa, his body

was scarred by the furious boar; like Ghatotkaca, he was mighty and possessed a haughty and terrible shape; like the Kaliyuga he allowed those born under his sway to take pleasure in wickedness and break through the bonds of rule. And the mass of his host came filling the earth like the stream of the Narmada, when let loose from the embrace of Arjuna. And so the aggregated army of the Candālas moved on, blackening all the horizon with a dark hue. (63)

Here is a vivid description of a Sabara-chief : (64) 'He was yet in his early youth; from his great hardness, he seemed made of iron; from his growing beard he was like a young royal elephant with its temples encircled by its first line of ichor; he filled the wood with beauty that streamed from him sombre as dark lotuses, like the waters of Yamunā; he had thick locks curled at the ends and hanging on his shoulders his brow was broad; his nose was stern and aquiline; his left side shone reddened by the pink rays of a jewelled snake's hood that was made the ornament for one of his ears, he was perfumed with fragrant ichor he seemed to tinge space by his eye, somewhat pink, as if it were bloodshot he had mighty arms reaching to his knees, and his shoulders were rough with scars from keen weapons often used to make an offering of blood to Kālī; the space round his eyes was bright and broad.' His chest was scarred, waist slender and there was a frown on his brow. He was a good hunter. He had a sword, a bow 'bright as peacock's tail', and a weapon called cakra. He was 'adorned with the eyes in the peacock's tails'. He was proud,

wicked, 'the essence of the Iron Age', 'the partial avatāra of death'. By reason of his natural greatness and horrible form, he always inspired awe. He was surrounded by hounds, captives and his countless followers. ⁽⁶⁴⁾ The Sabara army is thus described : 'The Sabara army came out from the wood like the stream of Narmadā tossed by Arjuna's thousand arms; like a wood of tamālas stirred by the wind; like all the nights of the dark fortnight rolled into one like a crowd of evil deeds come together; like a caravan of curses of the many hermits dwelling in the Dandaka forest . . . it darkened the wood; it numbered many thousands; it inspired great dread; it was like a multitude of demons portending disasters.' ⁽⁶⁵⁾ ^{also vividly} Bana describes the appearance of a Sabara, the nephew of Bhukampa, the lord of the Vindhya range and the leader of the village-chiefs, thus : ~~He had his hair tied into a crest above his forehead with a band of the syamalata creeper, dark like lampblack.~~ On his forehead 'was an involuntary frown which branched in three lines; his ear had an ear-ring of glass-like crystal fastened in it, and it assumed a green hue from a parrot's wing which ornamented it, while his somewhat bleared eye, with its scanty lashes, seemed by its native colouring to distil hyena's blood which had been applied as a medicine, -- his nose was flat, his lower lip thick, his chin low, his jaws full, his forehead and cheek-bones projecting, his neck a little bent down while one half of his shoulders stood up, -- he seemed to mock the broad rocks of the Vindhyas side with his brawny chest, which was broadened by exercise and hardened by incessantly bending his bow,

while his arms, which were more solid than a boa-constrictor, made light of the tallest sala-trees of the Himalaya, he wore a tin armlet, decorated with white godanta beads, which was placed on his fore-arm, the back of which was covered with a bundle of rootlets of Nagadamana (a plant used as an antidote against poison) fastened together by the bristles of boars; he had a thin belly but a prominent navel; his huge broad loins were rendered formidable by a sword, -- the end of which was anointed with quick silver and its handle was made of polished horn, -- it was wrapped in a short black antelope skin as in a woven covering, and its sheath was adorned with the spotted skin of a citraka snake, placed between two strips of the skin of an ahirani snake. His brawny thighs were covered with the flesh that had as it were fallen down from his waist which had grown thin and spare in his early youth; his dark body seemed as it were to blossom with a leathern quiver on his back, made of a bear's skin, wrapped round with a spotted leopard's skin, its woolly hair black with the bees that clustered on it, and filled with arrows bearing mostly crescent-shaped heads.' His 'stout bamboo-like arm bore a bow resting on his left shoulder and which was adorned with a profuse pigment of peacock's gall, and was full of fierce vigour and with its sinews fashioned of Khadira roots, while the top of the arm was gay with a blue jay's tail fastened on the upper part. His right hand seemed busily engaged with a Vikarna arrow having its point dipped in a potent poison . . . He was like a moving dark tamala tree on the side of a mountain or a pillar of solid stone artificially wrought, or a pillar of solid stone artificially wrought, or a moving mass of

black collyrium or a melting block of iron from the Vindhya', an expert hunter, 'the personified essence of destruction, the embodied fruit of sin, the cause of the Kali age, the lover of doom's night. (66)

Rājavāhana saw a robber 'covered with scars of wounds inflicted by weapons, whose body was as hard as iron, whose Brāhmanahood was inferable from his sacred thread (but) who clearly displayed the valour of a Kirāta and who was hideous to look at. (67) A robber named Sattuka (68) was as strong as an elephant. (68) The robber Angulimāla (69) possessed the strength of seven elephants and was cruel and given to killing. He killed man after man and hung round his shoulders, a garland made of their fingers. He made the forest-path, villages and towns deserted and created a great panic. He could kill forty men at a time and could overtake and catch elephants, horses, chariots, ^{and} deer even when running. (69) The robber-chief Kayavya (70) could defeat many hundreds of soldiers. (70) The bandit Abhaggasena (71) inflicted a crushing defeat upon a king. (71) The brigand-chief Vijaya was 'full of valour, giver of hard blows, hitter of an object at its sound, a champion-wielder of the sword, exercising sway over four hundred robbers.' (72) The King of the Kirātas, Saktirakṣita joined Mrgāṅkedatta with ten hundred thousand footmen, two hundred thousand horses a myriad of furious elephants on which heroes were mounted and eighty-eight thousand chariots. His banners and umbrellas darkened the heaven. (73) Durgepiśāca, (74) the King of the Mātāṅgas was of terrible valour. No king could conquer him and he commanded 'a hundred thousand bowmen of that tribe, everyone of whom is followed by five hundred warriors.' With their help he plundered caravans and destroyed his enemies. (74) A Bhilla chief was king over six lakhs. (75) According to

the Mahābhārata, the Kirātas came from the northern hills, 'ridden by fierce robbers of strong limbs, the foremost of warriors, encased in steel coats of mail; among them are persons born of the cow or of the ape, or of various other creatures, and also born of men. That division of the assembled Mlecchas, who are all sinful and come from the fastness of Himavat, seem at a distance to be of a smoky colour. They have elephants with impenetrable skins, well-trained . . . adorned with armour of solid gold, and resembling Airavata'. (76) According to the Mahābhārata,^(76a) the progenitor of the Nisādas and Mlecchas was a deformed, black-haired, red-eyed dwarf. In short, most of the robbers and members of the criminal tribes were ugly, cruel but bold and strong.

5. Thieves and the ^Fair Sex

Though paradoxical, thieves and robbers were fortunate in captivating the hearts of ladies who staked everything to have them as husbands. Even married women could not resist the temptation of their rough beauty and often eloped with them. This strange infatuation of ladies for these outlaws may be explained by their robust health and manly bearing. The cruel tortures generally inflicted upon them while being led to the place of execution might have also moved the soft hearts of these women to pity. It should also be remembered that the criminals with whom they fell in love were often sons of beautiful prostitutes, or adventure-loving princes, or reprobate sons of rich people. They therefore, inherited attractive physical beauty. Rich prostitutes had generally a

fascination for these law-breakers. Ratnavatī, ⁽⁷⁷⁾ daughter of a rich merchant, became suddenly distracted with love as she saw a thief being led by policemen to the place of execution. At her earnest request, her father offered his entire wealth as the thief's ransom but the king refused to set him free. The ^{girl} then went near the stake upon which her beloved was impaled, had his body brought down and then lay in the funeral pyre with the corpse. In a similar tale, ⁽⁷⁸⁾ a girl forced her father to bribe a police officer to get a thief released from bonds. Such romantic tales are numerous. The thief, Karpara, ⁽⁷⁹⁾ having entered the bed chamber of a princess, succeeded in winning her love. ⁽⁷⁹⁾ Another thief ⁽⁸⁰⁾ secretly married a princess in a lonely island. The wife of a young man ⁽⁸¹⁾ felt a strong passion for a robber-chief who was ^{cornered} concerned in a fight by her husband and when her husband asked her to give him the sword, she put it in the robber's hand and he lost no time in killing the husband. ⁽⁸¹⁾ Another married woman ⁽⁸²⁾ went out at night to visit her paramour who was a thief. Dharana's wife ⁽⁸³⁾ eloped with a thief, leaving her husband who was asleep in a temple. Numerous ⁽⁸⁴⁾ are the cases of elopement of licentious wives with thieves and robbers. ⁽⁸⁴⁾

A rich courtesan, Sāmā ⁽⁸⁵⁾ sent one thousand gold coins to a police officer to purchase the freedom of a condemned robber of god-like appearance with whom she fell in love while he was being led to the place of execution. As the officer demanded a man to be the criminal's substitute, Sāmā sent one of her lovers. ⁽⁸⁵⁾ to the officer and got her beloved released. The town-belle, Sulasa, ⁽⁸⁶⁾ out of sympathy for a condemned robber with whom she was formerly

acquainted, sent him some sweetmeats and water with a request to the town-watchman to allow him to eat and drink.⁽⁸⁶⁾ Beautiful prostitutes like Rāgamañjarī⁽⁸⁷⁾ and Madanikā⁽⁸⁸⁾ deeply loved the thieves, Apahāravarman and Śarvilaka respectively, though, it must be said, they were not at first aware of their activities. Apahāravarman also captivated the heart of a princess.⁽⁸⁹⁾ Robber-women, too, sometimes fell in love with handsome kings and princes and saved them from being killed by their masters. A female slave of a thief⁽⁹⁰⁾ secretly told King Viraketu who went to the cave of that thief to flee at once as it was dangerous to stay there.⁽⁹¹⁾ In another story, the sister of a thief signalled a beautiful king to leave their cave immediately.⁽⁹¹⁾ Śrīdatta⁽⁹²⁾ was saved from being sacrificed to Candikā by the daughter of a robber-chief, who fell in love with him and made him her husband.⁽⁹²⁾

6. Patron-Deities of Thieves

While commenting on the influence of religion on the Thugs, Sleeman writes: 'Never did the strength of religious faith or the extraordinary domination which religion exercises over man's moral nature, find clearer illustration.'⁽⁹³⁾ This remark is also applicable to the thieves and robbers of ancient India. They rarely showed any compunction of conscience for committing crimes which they regarded as their birthright, believed to be sanctioned by their gods, Śkanda, Kālī and others.

Thieves and robbers punctiliously performed all the religious rites, had the names of their gods and goddesses always on the lips and sometimes even released men from bonds if captured on

the day they worshipped their deity. (94) Surya, Rudra and Skanda were probably the three important patron-deities of the thieves.

^{As pointed out earlier,} The Rgveda refers to a sleep-charm. ^{We put men to sleep through} ~~the irresistible might of the bull with a thousand horns who rises~~ ^{the sun, a posser of putting men to sleep. (95)} out of the ocean. (95) According to Wilson, 'the bull with the

thousand horns' mean, 'the sun with a thousand rays', who was formerly the patron of the house-breakers but at a later date,

Kumara (i.e. Skanda) replaced him. (96) Indra also might have been one of the ^{favourite gods} ~~patron deities~~ ^{and other criminals.} of the thieves. (97) Thus in the Rgveda,

a person who is a worshipper of Indra lulls men and women to sleep with a charm with a view to ^a ~~stealing or~~ ^{stealthily} raping the sleeping women. In the Atharvaveda, (98) too, a person, probably a

secret lover regards Indra as the strengthener of a soporific plant or other charm with which he wants to lull some people to sleep.

As pointed out before, Indra is said to have put his enemies to sleep by his magic power in order to free his followers from

their bondage. ^{As pointed out before, sleep-charms were often used by thieves and robbers.}

Rudra was regarded as the 'patron god of all sorts of evil-doers'. (99) He was the lord (100) of thieves (stena), pick-pockets (stāyu) and stealers (musnant). Like Skanda, Rudra (101)

is also called Dhurta. Himself a mighty general, and an expert thief, Skanda is deservedly regarded as the patron-deity of

thieves. He is said to have transferred the foetus of Mahāvira from Brāhmaṇi Devānanda to Kṣatriya Trisala. (102) According to

the Mahābhārata (103) and Vāyu Purāṇa, (104) Skanda's followers

kidnap children. It is said in the Mahābhārata that 'when Skanda was struck with the thunderbolt, a number of male children were

were produced who steal children. (105) The oldest Tamil hymns (106) regard Skanda as the deity of hilly regions, the god of the tribes of hunters. Hence he is called (107) Kurincikki lavan, the lord of Kurinci (hilly regions). (107) In South India, Skanda is also known as Murukan and his temples are found on hill-tops. As mentioned earlier, some forest-robbers belonging to a criminal tribe also worshipped Skanda. (108) As Skanda is traditionally (109) regarded as the son of Siva, (109) most probably a Non-Aryan god, and the peacock, (110) the favourite bird of the foresters with the feathers of which they generally decorate themselves as his vehicle, he was probably a Nonaryan deity, probably the war god of the tribal people holding in his hand a spear (vel). (111) It is also interesting to note that Vayu gave him a Kukkuta (cock) (112) which became his banner. He is also the overlord of a heroic and valourous Raksasa clan, called Nairrta. (113) Probably the tribals worshipped Skanda, the heroic fighter, before setting out on plundering raids and regarded him as the giver of success and protection. As thieves and robbers generally belonged to the lower classes, it is quite possible that they selected Skanda, a Nonaryan valiant god as their patron deity. As these criminals regarded themselves as heroes, (114) a heroic fighter like Skanda was the fittest god to be their overlord. The tradition describing Skanda as the general of the gods in the war against the demons was probably of later origin. It is not unlikely that the very name 'Skanda' was attributed to this god by the Brahmanas when he was adopted in the Hindu pantheon. ~~If the Nonaryan origin of Skanda is not satisfactory, it is difficult to say how the~~

~~general of the gods came to be looked upon as the patron-deity of~~
~~thieves.~~ The chiefs and rulers who used to train spies, desperadoes
and forest people in the art of theft and robbery with a view to
robbing their neighbours secretly or openly, might have selected
or popularised Skanda, the mighty generalissimo of the gods as
the patron-deity of those rough people who were brave soldiers
engaged in the Kuta-yuddha and as such quite eligible to claim the
divine hero as their lord -- a claim also made later on by ordinary
burglars to rise in the estimation of the people and also to
gratify their own vanity. To a thief, the sakti in Skanda's hand
might have appeared to be the phanimukha (snake's mouth) and the
cock, was probably imagined by him to be the god's instrument to
warn his devotees of the approaching dawn. Skanda was also known
as Sanmukha, Karttikeya, Guha, Kanakasakti, Kharapata, Subrahmanya,
etc. The name Brahmanya suggests that there was a Brahmanical
element in Skanda. From the Sanmukhakalpa, it appears that
Sanmukha was also the patron deity of the magic science. Sarvilaka
described the thieves as Skandaputra⁽¹¹⁵⁾ (sons or followers of
Skanda)⁽¹¹⁵⁾. He, as said before, paid homage to Karttikeya before
breaking into a house.⁽¹¹⁶⁾ The thief Sajjalaka bowed to Kharapata
(a name of Skanda) and to the gods that roam by night at the time
of burglary.⁽¹¹⁷⁾

^ as referred to before,

On the eighth day of a certain month, brigands worshipped
Karttikeya.⁽¹¹⁸⁾ According to the Atharvavedaparisishta⁽¹¹⁹⁾ which
elaborately describes the Skandaritual, the worship of Skanda was
to be performed in the early half of the month of Phalgunā, Āśādhā

and Kārttika. Skanda was also worshipped by the people for the recovery of stolen articles. (120) According to Kale, it was 'for this reason perhaps that thieves paid homage to him.' (121) Tuesday was supposed to be specially auspicious for practising the art of stealing. (122) This art came to be 'associated at least in later days in Bengal with the goddess Kālī.' (123) Thus before setting out on his secret mission, Coracakravartin, a master thief worshipped goddess Kālī. According to the Dharma-mangala, Indra learnt theft from this goddess. (124)

7. Patron-Deities of Robbers,

Indra, Rudra, Skanda, Candika (Kālī), and others were worshipped by the robbers. Both in the Rgveda and the Atharvaveda, Indra's help is sought in battles against foes especially in cattle-raids or in conflicts to recover cattle from the enemy. A Rgvedic verse runs thus: 'Thou shoutest Indra, in this glorious and arduous conflict and assistest us to the acquirement [of spoil] in this battle where cows are won and men overpowered, wherein the weapons descend on every side upon the fierce and courageous combatants.' (125) Another verse says that Indra is no longer the impetuous despoiler of the cattle [of the enemy], nor of their hundredfold [riches] (126) It appears from these two stanzas that Indra was at first a valiant cattle-raider who was deified later on and came to be regarded as the patron-deity of the Aryans who often fought against the ^Nnon-^aAryans to loot their cattle and wealth. A verse in the Atharvaveda says about Indra : 'Him verily, we invoke in battles whether great or small :

be he our aid in fights for spoil. (127) Thus Indra became the god of war and war in those days was often waged to grab cattle. As pointed out before, these wars were nothing but political robberies and the soldiers engaged in them were no better than organized brigands fighting under a leader for a common purpose.

Rudra is called the lord of robbers (taskara) in the Satarudriya litany of the Vājasaneyi Samhita. (128) Rudra (129) is also called Vratapati and Janapati which probably mean, the chief of a band of robbers.

Reference has already been made to Skanda as the patron primarily of thieves. Amongst the patron-deities of robbers, Candika (130) or Kālī occupies the foremost position. Her terrible appearance and blood-thirsty nature marks her out as the most suitable goddess for the ruthless bandits. She was worshipped under various names : Durgā (131), Bhadrakālī, Kālī, Bhavānī, (132) Kāṭamarcelvi, (133) Kirātī, (134) etc. Robbers, (135) especially forest-robbers used to offer human beings having auspicious marks and perfect limbs to the goddess to keep her in good humour. The man to be sacrificed was asked to utter his last wish and anyone who failed to do so in fright, was regarded as unfit for sacrifice. (135)

A characteristic human sacrifice is described in the Dasakumāra-carita, where some Kirātas were preparing to sacrifice a fair child to Candika. They were saying among themselves -- 'we shall kill him with a sword by suspending him by the branch of a tree, or by means of a number of sharp arrows aimed at him after fixing his feet by digging [a hole] in the surface of sand, or by

causing young dogs to kill him as he will be running on all fours.⁽¹³⁶⁾
 From another tale,⁽¹³⁷⁾ it appears that robbers killed a man by
 implement or with a sword first and then the body was thrown into
 fire. The robbers and foresters often kidnapped men to offer them
 in sacrifice to their goddess.⁽¹³⁸⁾

A brigand-chief took his captives to the temple of Durgā
 for sacrificing them to the goddess on the fourteenth day of a
 certain month.⁽¹³⁹⁾ A Sabara-chief used to offer his own blood to
 the goddess, Kālī.⁽¹⁴⁰⁾

Nothing can be said with certainty regarding the origin
 of the idea of Durgā or Kālī. The Mother-goddess of the Indus Valley
 civilization may have some connection with it. The association of
 robbers, especially forest-robbers with the worship of Durgā may
 be explained by men's fear of dense forests full of dangers which
 possibly led to the idea of a forest-deity, at once terrible and
 benignⁿ (benign towards robbers), deceitful and blood-thirsty.⁽¹⁴¹⁾
 In the Rgveda,⁽¹⁴²⁾ Aranyani is referred to as a female forest-deity.
 In the Atharvaveda,⁽¹⁴³⁾ it means a forest-spirit. According to the
 Tamils, Kātu and Pālai mean forest and wilderness respectively. The
 mistresses of these are known as Kātukilāl and Pālaikilattī.^K

In the Tamil lexicons, these goddesses are regarded as the
 manifestations of Durgā. According to Rgvedic and Tamil evidence,
 these goddesses are 'mockingly deceitful as the forest itself.' 'Men
 are afraid of the Lady of the forest but take consolation from the
 knowledge that she will not kill them if they do not come too near.'⁽¹⁴⁴⁾
 Korri, another name of Durgā probably comes from the root 'Kol',

to Kill. (145) In the Rgveda, Aranyani is also known to kill. (146) It seems possibly that Durgā or Kālī was originally a Nonaryan goddess worshipped by foresters and later on the Aryans admitted her into their pantheon. It is curious to note that Siva (Rudra), his son Skanda and wife Candikā were all regarded as the patrons of thieves and robbers,

Forests, ^{mountainous} ~~mountainous~~ regions and desolate places like the cremation grounds were dotted with the temples of Durgā or Kālī. The Vindhyesvari temple in the Vindhyas (147) was haunted by forest-robbers. Frequent references to this temple, close to Mirzapur are probably accounted for by the proximity of the regions peopled by forest tribes such as Bhillas, Sabaras and Pulindas. These references also indicate that one of the main routes between the Gangetic valley and the Deccan must have been in those days, as it is now, from Mirzapur by a ford over the Narmadā above Jabalpur and through the forest districts to Pratiṣṭhāna on the Godāvari. (148)

Here is a description of a Durgā temple where human beings were sacrificed by robbers : 'It seemed like the mouth of Death, the flame of the lamp being its lolling tongue, the range of bells being its row of teeth to which the heads of men clung'. (149) In another description, the temple was terrible 'with a long waving banner of red silk like the tongue of Death eager to devour the lives of animals.' The sound of gongs was also terrible. (150) In these temples various animals were also offered day and night and sometimes people voluntarily offered themselves

upto the goddess. ⁽¹⁵¹⁾ In the Kadambari, ⁽¹⁵²⁾ there is a lurid description of a Durgā temple located in the Deccan and also of its priest.

Thieves and robbers, as said earlier, often used charms and spells to put men to sleep, break open doors, move invisibly, etc. Now the mantras to be recited for these purposes contained the names of various gods and demons. Kautilya ⁽¹⁵³⁾ mentions several names, viz. Bali, son of Virocana, Sambara of hundred guiles, Bhandīrepāka, Naraka, Nikumbha, Kumbha, Devala, Nārada, Sāvarnīgālava, Manu, Aliti, Paliti, Suvarṇapūṣpī, Brahmānī, Brahman, Kusādhvaja, Amila, Kimila, Vayucāra, Prayoga, Phakka, Vihala, Dentaketaka, Tantukaccha, Armālava, Pramīla, Mandolūka, Ghaṭodbala, Kṛṣṇa, Kāmsa Pautomī, Agni and others. The magic science (māyā) is also called Sambarī Vidya ⁽¹⁵⁴⁾ (from Sambara ?). The famous Mūladeva is called Kāmsa in the lexicons. ⁽¹⁵⁵⁾ Avimāraka, ⁽¹⁵⁶⁾ before ascending the king's palace stealthily at midnight in the guise of a thief to meet his beloved, prayed for the longer duration of the night and deep slumber of the guards and inmates of the palace and in this connection paid homage to Prajāpati, all the Siddhas, Bali, Sambara, Mahākālā, Padmā and Bhagavatī Kātyāyanī. The Sanmukhakalpa ⁽¹⁵⁷⁾ also refers to various deities, viz. Bhagavatī, Sivacāra, Skanda, Kumbha, Nikumbha, Kumbhakarna, Mahākālī, Anjenakālī, Bhadrakālī, Vali Virocana, Harini, and others in connection with spells for breaking fetters, opening doors, knowing things buried under a wall, putting the inmates of a house to sleep, changing one's appearance, etc.

8. Conversion of Thieves and Robbers

As pointed out earlier, thieves and robbers are sometimes described to be possessed of extraordinary nobility which often led them to eschew violence and become converted to monkhood. Besides this latent nobility, several other factors also led criminals to change their mode of life, viz. Kindness shown to them by others, influence of great men like the Buddha, astounding good qualities of their victims, eagerness to escape capital punishment, etc. The Buddhist and Jaina writers whose stories abound in conversion tales of notorious thieves and robbers may have, however, overdrawn the picture to magnify the influence of their religions. The thief, Mahabala having learnt about his tragic fate, gave up thieving, took the dikṣa and began to preach religion in the forest. (158)

The thief, Pingala having been saved by Davadanti from capital punishment, took vows, placed himself in the Kayotsarga posture, meditated on religion, remembered the formula of the Five ^chiefs of the Faith, reprobated his former sins and died. (159) Another thief, Prabhava listened to the pious householder Jambu's description of the uselessness of earthly power and pleasure and became his disciple. (160) Rauhineya once overheard a fragment of the Vira's sermon: 'The gods do not touch the earth with their feet; their eyes are unwinking; their wreaths do not wither; they do not perspire; and their bodies are free from disease.' This enabled him to see through the clever plot of a minister who tried to elicit a confession regarding the crimes committed by

him by placing him in an unconscious state among beautiful damsels who posed as goddesses and told him when he regained consciousness that he was in heaven and could enjoy them only after narrating all his past deeds. As the characteristics of a divine being as described by the Vira were not present in those women, Rauhineya did not confess anything and, was consequently released. He then thought that if only a part of the Vira's instructions was so effective, his full teaching must be of great use to him. So he confessed his guilt to the Vira and the king, distributed all his hidden treasures among the people and became a monk. (161) The cruel thief, Drdhaprahārin was converted by Jaina monks. (162) The robber, Mātāṅga, influenced by a Brāhmaṇa, gave up robbery, studied scriptures and became a worshipper of Siva. (163)

Vasana, (164) Catura (165) and Purnabhadra (166) gave up thieving when they were offered good jobs. A young monk once promised not to tell anybody about the place where some robbers lay in ambush. (167) To keep his promise, he did not even prevent his parents from going there and consequently they were mercilessly beaten up by the robbers. This wonderful regard for promise deeply impressed the bandits and they became his disciples. Once at night, five hundred thieves came to a forest and placed their bags ^{^ of} ~~to~~ spoil upon the body of a monk, who was then in a state of trance, mistaking it for the trunk of a tree. In the morning they realised their mistake, and became converted by that hermit. (168)

A thief (169) who destroyed several times out of malice, the property of the treasurer, Sumāṅgala, was forced to beg his

pardon when he came to know that the treasurer, forgetting all his unperdoneable offences had made over to him, his religious merit acquired by alms-giving.⁽¹⁶⁹⁾ A lady made elaborate defences to guard her treasures against thieves and foiled all their attempts to burgle into her house. One night, leaving the house in the care of a maid servant, she went to listen to the preaching of the Law. In spite of being repeatedly informed by her maid of the entrance of thieves into her house, she sternly refused to leave that place and rebuked her servant for disturbing her. This extraordinary devotion to religious instructions changed the hearts of the thieves who restored to her all the stolen wealth, apologized and became monks.⁽¹⁷⁰⁾ A Buddhist monk stood fearless when assailed by some robbers. Being asked by them to explain this unusual boldness, he said that the Buddha's teachings gave him this strength. This led the robbers to renounce the world.⁽¹⁷¹⁾ The great Buddha once greatly surprised the quick-footed robber, Angulimāla as the latter failed to overtake him though he (the robber) was running at top speed. When he asked the Buddha to stand still, he replied, 'I stand still ! Stand still yourself !' Being requested by the robber to clarify this, he said that he stood firm because he was kind to all living beings but the robber did not stand still as he was merciless. At this, the robber expressed his deep regard for the great teacher and became a monk.⁽¹⁷²⁾ When some robbers were preparing to sacrifice the famous pilgrim, Hiu²-en-Tsang to their goddess somewhere on the bank of the Ganges, suddenly a severe storm arose. To the superstitious robbers, it seemed to indicate

the wrath of the gods and in fright they freed him at once and became his disciples. (173) A female slave who used to steal a few coins everyday from the money given to her by her mistress to purchase flowers, gave up this bad habit after hearing one day the preaching of the Law. She then preached the Law herself to five hundred women. (174) According to Hiu-fen-Tsang, (175) an image of the Buddha erected by Kaniska, near a stupa left its pedestal to prevent some robbers from stealing from that stupa. This miracle induced those robbers to live a pious life. A robber-chief struck a Buddhist monk with his sword but it bent in two and another stroke resulted in its separation from the hilt. This miracle induced him and his five hundred followers to be his disciples. (176) Sariputta converted a cruel robber by preaching the law to him. (177) A robber broke out of a jail and became a monk for he knew that the king would not punish a Buddhist monk. (178)

Having been attacked by royal soldiers, some robbers (179) became monks to avoid detection and the consequent punishment. (179) This type of conversion became so common that it evoked strong popular protest and Buddha had to ^{^ ban} ~~seen~~ it. (180) Generally the converted robbers did not transgress the Moral Law. (181) A renegade monk, reconverted by an elder at the time of his execution by the king's men, did not betray any fear or perturbation when the executioners raised their weapons to kill him. (182) After his conversion, Angulimale calmly allowed the people to hit him with ^o clods of earth, sticks and stones. (183)

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Pāṇini, V.3.113 and V.2. 21. Kāśikā also says that the Vrāta
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definite means of livelihood. According to Kātyāyana, 'Vrāta
is said to be an assembly of people having various, weapons
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pp. 222-23.
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108. Kathas., op.cit., Vol. VIII, pp. 139ff.
109. Matsya Purāṇa, 159. 1ff.
110. Ibid., 159. 16.
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113. Ibid., 84. 14.
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131. Ibid., p. 109.
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CHAPTER VII

Qualifications and Characteristics

To be successful in his trade, a thief or robber had to acquire a number of qualifications. Sarvilaka, a master-thief spoke of himself thus : 'I am a cat in leaping, a deer in bounding off, a hawk in seizing prey and tearing it to pieces, a dog in judging the strength of a man according as he is asleep or awake, a snake in crawling, magic (personified) in assuming different characters, postures and dresses, the goddess of speech in (talking in) the various dialects of different countries, a tramp during nights, a dudubha in (slipping away from) intricate places, a horse on land, and a boat on water !

Moreover --

In movement I am [quick] like a snake; in steadiness, like a mountain; in flying, I resemble the lord of birds (i.e. the eagle). In surveying the whole country, I am like a hare; in effecting a capture, like a wolf; and in strength, a lion.' (1)
A few words of this verse need explanation. (2) Sarvilaka said here that like a dog he could ascertain the strength of any man awake or asleep. Dogs are known to possess the quality of gauging the strength at least of other dogs by looking at them just for once. 'Magic (personified)', etc., may also mean 'the yaugic or will power by which one can create things.' Sarvilaka probably referred to the spell of changing the features and distorting the body. He was also an expert in changing dress, etc. All these were done to baffle recognition by others. Dudubha or Duduma or dundubha 'is a very tenacious reptile and remains fast-stuck to something when an attempt is made to drive it away.' Did Sarvilaka

means that while ascending a wall or descending from it, he, though in a very precarious position, could save himself by clinging to something dexterously? This reptile is also well known for speed. Sarvilaka might also mean that in an emergency, he could escape as quickly as a snake. By 'in flying,' etc., he probably referred to rapid speed or to the power of flying through the skies. 'In surveying', etc., means that like a hare, he was expert in 'inspecting the ground to find a place for hiding in.' 'A lamp during nights' probably hints at his power of seeing at night with the help of some spell, or it may simply mean that no obstacle, not even darkness could deter him and somehow he finished his work with success. Thus a first class thief should be an expert in leaping, running, crushing his resister, ^{^ and} or in finding out a rich man's house and robbing it by making a hole or tunnel into it (or breaking a portion of the house to effect entrance into it), ^{^ He should also be capable of} or seizing other's wealth with unerring dexterity (grahāluncana), gauging the strength of the inmates of the houses to be entered into, crawling through holes, assuming various forms magically, wearing disguises, speaking many dialects (so that he can understand the words of the householders and befool others by posing as a foreigner, speaking foreign languages), working in darkness, making acrobatic feats (samkatesu dudubhah) and also in moving quickly either on land or in water. He should be steady, sharp-eyed, zealous like the wolf in grabbing others' property and strong as lion.

An almost similar list of qualifications is mentioned by Sajjalaka in the Carudatta : 'A cat to leap, a wolf to sneak away, a hawk to descry a house, sleep to gauge the strength of the slumbering, a snake to glide; illusion itself in changing either form or hue, goddess of speech to understand the dialects of the land, a light by night, darkness in dangers, the wind on land and a boat on water.' (3)

A thief should also know how to make breaches of various shapes and sizes with perfection in proper places, dig tunnels, find out whether people are really asleep or just feigning sleep, collect necessary information before entering into a house, use all the appliances necessary for theft, apply charms and spells and even medicines in cases of snake-bite and the bite of poisonous insects. He should conquer sleep, work noiselessly, restrain cough/ (as pointed out earlier) and avoid the sight of women. The sight of a sleeping woman may divert the attention of the burglar by exciting his passion and if under the influence of libido, he approaches the woman, she may raise a hue and cry and rouse the other inmates of the house. (4)

Kale, however, says that 'The Sāstra advises thieves to avoid the sight of women; for, women being light in their sleep might at once raise an alarm on beholding a thief, and no violent hands can ^{be} laid on them.' (5)

A thief must also be very hard-working because cutting a breach or tunnelling is a very laborious task. Sometimes a thief had to spend a whole night in committing a burglary. (6) Going in a house and returning from considerable it with the booty at night

required considerable time as the thief had to move very cautiously, avoiding policemen, passers-by, early-risers talking to servants, and houses under women (grham narinatham, etc.).

According to Kale, a thief avoided a house under the women-folk probably out of pity for the defenceless women or out of fear that 'a woman might raise an alarm on seeing a ^{thief} ~~robber~~, and ~~was not to be killed.~~' ⁽⁷⁾ It may also be contended that, as such houses were likely to be frequented by bad characters who would enter into them at midnight and come out at early dawn, they were unsafe for burgling. Above all, a thief should be strong, clever, resourceful, agile, painstaking and brave. All kinds of thieves, especially the knot-cutters possessed 'sharp intelligence, quick judgment and a well-developed faculty to win, the sympathies of most people.' ⁽⁸⁾ In order to collect information, thieves and burglars had to associate with all classes of people, especially with those belonging to the lower strata ^a of the society, and also with drunkards, gamblers and the like. ⁽⁹⁾ As referred to already, a 'burglar should get rid of all goodness and virtue and ^{must} be quite ^a cruel and violent. ~~pitiless, a man of cruelty and violence.~~' A thief ^{also} must ^{be} an inveterate liar and should stick to a lie, as mentioned before, even at the cost of his life. ⁽¹⁰⁾

Among the numerous characteristics of a successful thief, his cleverness and tricky nature attract our attention most. Indeed, a thief without shrewdness was an impossibility. ⁽¹¹⁾ Rauhineye kept himself prepared for future troubles. ⁽¹²⁾ He forced the inhabitants of the village Sali to make an agreement with him. When asked by the king's men about him in his absence,

they were to say that he was a resident of their village, that his name was Durgacanda and that he had gone to ~~an~~ another village. On finding that he had forgotten to bring the measuring tape, ^{the resourceful thief} Sarvilaka atonce decided to use his sacred thread as its substitute. (13) He boasted of his clever tricks thus : 'I had to stand like a wooden pillar of a house when a posse of the king's watchmen came near me. By hundreds of acts, mostly like these, I turned the night into day. Apaharavarman* who often indulged in theft thought out trick after trick at a moment's notice to meet exigencies and put them into execution with consummate skill. Being surprised by a police squad, ^{he} atonce pretended to be ^{bitten} ~~beaten~~ by a snake and showed the cramps due to deadly poison. (14) On another occasion, he passed himself off as a madman to befool some policemen, who came in his way. In order to make the union of the poor lover, Dhanamitra and his beloved, the daughter of the greedy merchant, Kuberadatta possible and to teach the latter and ^{Dhanamitra's} ~~Dhanapati's~~ rival, Arthapati to whom Kuberadatta decided to give his daughter in marriage, Apaharavarman, a typical amateur thief, hit upon a marvellous plan that befooled many including a courtesan and a king. (15) On another occasion, having been arrested in a drunken state, on the street at night with a sword in his hand, Apaharavarman posed as a cuckold and declared that out of spite he had stolen the magic wallet of his wife's paramour, Dhanamitra. (16) As this Dhanamitra was his bosom friend, Srgalika, the maid of Apaharavarman's wife, who was following him, atonce

saw through his plan, confessed the guilt of her mistress and fervently requested him to pardon his wife and ^{^ tell} ^{^ about} ~~give out to her the~~ [^] ~~location of the~~ place where he had secreted the jewels, Apaharavarman relented and when the maid came near him, he whispered to her his plan of action. He advised her to tell Dhanamitra to go to the King and say that Apaharavarman really introduced him to his wife but soon became jealous of him and stole his wallet. He should then request the king to persuade Apaharavarman to return it to him. The King would certainly believe it to be possible and postpone his execution. Then the maid was to free him from jail by some clever means. ⁽¹⁶⁾ A thief, Sukumara by name, having decided to throw into the ^ganges the lopped off head of his father which was kept in the king's treasury under strict [^] vigil, poisoned the captain of the police and chopped off his hand. ⁽¹⁷⁾ Then fastening it to a pole, he made a show of thrusting it into the treasury. The king who was there, lopped it off and slackened his vigil. In an unguarded moment, the thief got into the treasury, put on the crown and royal dress, summoned the door-keepers and ordered them to cast the head of the thief into the Ganges, because his son, being unable to do that, had done much harm to the citizens. ⁽¹⁷⁾ The thief Karpara was executed by a king for having illicit connection with his daughter who was, however, secretly carried off by his friend, Ghata. ⁽¹⁸⁾ The indignant king ordered his servants to keep a strict watch over the corpse of Karpara which, his friend or relatives might try to take away for cremation. Ghata went near the corpse in the guise of a Pasupata ascetic with a pot of rice and milk in

his hand, deliberately broke it and began to lament, saying, 'O Karpura (pot) full of sweetness ! ' Next day he came there as a drunken villager accompanied by a bride and a servant. Being challenged by the guards, he said that he was going to his father-in-law's house taking some sweetmeats for him. He gave each of them a sweetmeat previously mixed ^{^ with} a narcotic on the plea that by speaking to him, they had become his friends. Having thus stupefied the guards, Ghata brought fuel and burnt the corpse. The king then engaged new guards to watch ^{^ over} the bones of Karpura. Ghata knew a hypnotic charm but to disarm the suspicion of the watchmen went near them with a mendicant. When the latter began to show off the muttering of spells, Ghata stupefied the guards and threw the bones into the Ganges. ⁽¹⁸⁾

A thief succeeded in seducing a princess by landing unobserved in a closely-guarded island in the Ganges. ⁽¹⁹⁾ He sent down towards that island some floating water-vessels and having covered his head with one of them, swam to that place. ⁽¹⁷⁾

When the corpse of a thief was being dragged through the town, his son, in order to create an opportunity for his mother to mourn her husband's death without creating suspicion in the minds of the king's men who were dragging it, climbed upon a tree and when the corpse was brought near their home, fell down on the ground. ⁽²⁰⁾ His mother, realizing his intention hastily embraced him and gave full vent to her grief. ⁽²⁰⁾ A thief, in order to humiliate a king who used to punish thieves mercilessly, placed his sleeping queen on the bed of a labourer and the latter's wife

on the royal bed. ⁽²¹⁾ To chastise the superintendent of the Police, he entered into his house in his absence introducing himself as his son-in-law who had been long away. He succeeded in carrying off the women of the house to another place on the plea of the minister's sudden arrest by the king's men. On another occasion, being chased by a man who was engaged by the king to arrest him, he went to a washerman and persuaded him to allow him to do his job. Eventually, the real washerman who stood looking on, was arrested. He then went one night to the house of ^{^ a} ~~that~~ man appointed by the king to capture him and offered him some presents from the king. As that man stretched out his hand to take them, he cut it off and went to the palace with it. Boring a hole into the royal chamber, he pushed the severed hand through it. When the king chopped it off, he fled and soon the king's man was arrested and ordered to be executed. ⁽²¹⁾ A thief named Vasana placing a dead child on his bundle of loot began to cry while passing along the street, saying that his only child had died. ⁽²²⁾ This however, created suspicion in the mind of a veteran thief, named Catura who followed the former, went ahead of him and waited for him in a cemetery lying as a corpse among the dead. Vasana came there to bury his loot but before doing that, looked about him cautiously and then pierced the limbs of the corpses ~~therein~~ as a precautionary measure to verify whether anybody was alive to watch his action. Catura bore the pain calmly and when Vasana went away, dug out his loot and gave it to a courtesan, ^{^ a named} ~~a~~ Rūpasenā. Finding that his buried treasure had been stolen, Vasana made a clever plan to catch the thief. With the help of the king whom he promised to restore the

golden peacock stolen by him from the top of a temple, he raised the price of the pān-leaf (betel-leaf) to an exorbitant amount and in the guise of an ascetic stood in the market place to watch the persons who would buy it at that prohibitive price. He knew that the thief must have sustained knife-injuries for the cure of which pān-leaves were essential and no price was too much for the thief who was now in possession of the golden peacock. When a slave-girl of Rūpasenā bought some leaves, he told the king that the thief who ^{had} stole the peacock from him was staying at that courtesan's house and got him ⁽²²⁾ arrested. Another thief, Musala stole in a clever way a bowl from the house of his friend (also a thief) where he went on a friendly visit and hid it in a pond. ⁽²³⁾ On not finding his bowl ^l next morning, the host cautiously touched the feet of his sleeping friend and finding them cold, tracked his footsteps to the pond and found out the bowl. Two thieves, one young and the other, old once started digging for a treasure around a campaka tree. The young thief's spade struck a jar of gold coins but he told his friend that it was merely a stone. The elder thief, however, became suspicious and when the young thief fell asleep, he dug out two jars from that hole and buried them in the mud of a nearby pond and lay asleep. The young thief soon got up from his bed only to find the hole empty. He then closely inspected his friend's body and finding mud in his feet went to the pond. As he walked round it, frogs jumped into the water on three sides only. So he went to the fourth side and dug out the jars, loaded

them upon a cow and started for his village. Past master of human psychology, a thief, when ordered to be executed by the king, confided to him that he knew a wonderful art which would work only in the hands of a man who had never stolen anything. He then requested the king to take it from him.

As neither the king nor his ministers ventured to take it, the thief said, 'Where king and minister and Purohita do steal, how can I act otherwise ?' The king had to set him free.⁽²³⁾ The method followed by some robbers to exact ransom from their captives (e.g. freeing the father when captured along with the son to bring the ransom) shows their deep insight into human psychology.

Thieves and robbers could bear infinite pains. As pointed out earlier, a thief calmly bore knife-thrusts on his ⁶limbs. Another thief while feigning death to deceive a fellow thief, did not show any sign of pain when the latter dragged him through the street like a corpse⁽²⁴⁾ and not a muscle of a cheat twitched⁽²⁵⁾ when very hot water was poured upon his body.⁽²⁵⁾

Thieves were no discriminators of food. They lustily ate the leavings of food⁽²⁶⁾ in houses they burgled and also the flesh⁽²⁷⁾ of wild animals and roots. The thief, Kharapata soaked his cake, which was baked on the coals of a funeral pyre, in the oil of a lamp placed in a temple.⁽²⁸⁾ Members of the criminal tribes, who were mostly robbers generally lived on meat, fruits, etc.⁽²⁹⁾ Both thieves and robbers were addicted to drinking and frequented wine-shops.

The boldness of thieves and robbers knew no bounds and

they did not hesitate to embrace death in an emergency. When the legs of a thief pushed through a hole in a house-wall were caught by the inmates of that house, he asked his associates to cut off his head to make his identification impossible.⁽³⁰⁾ Forest-robbers pounced upon a caravan or a king's retinue over and over again though hundreds of them were being done to death by the former.⁽³¹⁾

As referred to earlier, Sarvilaka rushed off to free his friend from the prison of king Pālaka, released him by breaking the jail, and ultimately murdered the king and placed his friend on the throne. Pūrṇabhadra fearlessly fought against an elephant that was engaged to trample him to death and succeeded in wounding and driving it away.⁽³²⁾ When the thief, Kharpatā desecrated the lamp in the temple of the goddess Harasiddhi, the idol therein stuck out her tongue to frighten him but that fearless man hissed, 'Draw your tongue back into your mouth, harlot, or I shall smash you to pieces with this stone.'⁽³³⁾ To avoid arrest by the king's men who were hotly pursuing him, a bold thief decided to execute a magic charm which required great courage.⁽³⁴⁾

Rūpyakhura⁽³⁵⁾ publicly announced his plans before committing thefts.⁽³⁵⁾ Sukumāra used to send letters to his prospective victims prior to the commitment of theft in their houses.⁽³⁶⁾

Rauhineya's mother urged him to scorn death thus: 'I should not grieve at your death . . . If you should fly at the sight of a fight, my son, you would expose to shame both your father's family and mine. If in a lion's family, a jackal should be born in the womb of a lioness, shame, shame upon such a miserable

coward ! It would be better if he had never been born. (37)

Thieves, especially robbers were generally very cruel. Though burglars usually avoided bloodshed, some of them did not scruple to commit murder to gain their ends or to ensure their safety. Sarvilaka and Apeharavarman were no abhorrrers of bloodshed. (38) A thief said that his ways were cruel. (39) As the widow of king Uccala of Kashmir was ascending the pyre, the pilferers hurt her limbs in their eagerness to rob her ornaments. (40) In a story of Hemavijaya, some bandits are called 'terrible as Yama's servants, vastly cruel like the Rākṣasas. (41) The forest-robbers (42) would sacrifice their captives to their goddess or sell them as slaves. (42) Robbers used to raid villages giving no quarter to bipeds, quadrupeds, resistants or non-resistants and often setting hamlets to fire. Some robbers cut off the hand of a Brāhmaṇa's plump wife as the jewellery did not come off her hands easily. (43) They were so heartless as to take away the pudding prepared by a poor Brāhmaṇa for his hungry children while they looked on helplessly. When the Brāhmaṇa came to resist them, the robber-chief ran forward to meet him, butchered a cow which got into his way and chopped off the Brāhmaṇa's head. He also cut open the belly of the Brāhmaṇa's pregnant wife and also cut off his wailing children. (43)

Some envious heretics (44) once engaged some wandering thieves to murder the great Moggallāna whom they captured, tore him limb by limb and reduced his bones to powder. (44) Some brigands suspecting a hermit of robbing their buried gold, beat him with

sticks, cut off his hands, feet and finally gouged out his eyes.⁽⁴⁵⁾ Robbers often had to be cruel for their own safety. 'It is highly impolitic for us', said some robbers, 'to take wealth without killing its possessor for if he is deprived of his wealth without being killed, he will certainly do us an injury.'⁽⁴⁶⁾

Thieves and robbers were generally treacherous and ungrateful. Thieves like Mandiya used to kill treacherously their helpers and coolies who carried their loot to their dens.⁽⁴⁷⁾ A good doctor once cured a dog and a thief. The thief broke into his house, killed the dog and escaped with the doctor's wealth.⁽⁴⁸⁾

Robbers did not scruple to rob even their devoted wives of their ornaments. Thus a robber requested his rich wife to accompany him with all her ornaments to a mountain cliff where he would fulfil his vow of giving an offering to a deity. On going there, he told her that he wanted to take her jewels by killing her.⁽⁴⁹⁾ Robbers often robbed travellers of their life and property by posing as their benefactor.⁽⁵⁰⁾ Even the women and children of robbers were rude, cruel and repulsive. Some robber-children once captured an adventurer, bound him hand and foot, smeared him with blood and left him in the forest.⁽⁵¹⁾ Even their pet birds relished plunder and murder.⁽⁵²⁾

Generally uneducated and belonging to the low classes, thieves and robbers were very superstitious. They believed in ghosts, spirits and omens. The thief, Vasana, while burying his loot in a cemetery, was thoroughly alarmed by the cry of a she-jackal which, according to him, was an indication that somebody was watching him secretly.⁽⁵³⁾ Some

thieves⁽⁵⁴⁾ were scared off by a sneezing woman whom they took for a yaksini (a female spirit). A thief took fright on seeing a woman in a hole.⁽⁵⁵⁾ Robbers regarded the sight of a corpse on their way to robbery as a good prognostic.⁽⁵⁶⁾ Ignoring of a bad omen would, according to them, ^{spell} ~~lead to~~ disasters.⁽⁵⁷⁾ The terrible shouts of ^a ~~Devadanti~~ terrified the Bhillas who fled in every direction.⁽⁵⁸⁾

Generally very lustful, thieves and robbers frequented brothels.⁽⁵⁹⁾ According to J.J. Meyer, 'thieves and other criminals are inseparable from public women.'⁽⁶⁰⁾ A thief even overcame his greed for ornaments in order to enjoy a beautiful woman.⁽⁶¹⁾ The thief, Lohakhura used to enjoy other men's wives.⁽⁶²⁾ The robbers and members of the criminal tribes abducted women whenever they found an opportunity and made them their concubines.⁽⁶³⁾ As even the nuns were raped by the robbers, the former were advised to cover their private parts with grass, earth, etc.⁽⁶⁴⁾ On seeing the beautiful wife of Agaladatta, a robber-chief stood still fixing his gaze upon her and Agaladatta, taking advantage of his diversion, killed him with a mortal blow.⁽⁶⁵⁾ Besides wine-drinking meat-eating and association with prostitutes, gambling was also very common among these outlaws. Rauhineya's father rated his son severely for not gambling, hunting wild animals, eating meat and drinking wine. He was, in the opinion of his father, breaking the rules of their house.⁽⁶⁶⁾ As mentioned before, master-thieves and robber-chiefs used to live gorgeously in their caves and strongholds which were full of harlots and dancing girls. As Phraotes, king of Taxila, said to the Greek Apollonius, thieves

on whom fear of justice presses, 'hurry to enjoy the present hour, and give themselves up to gluttony, debauchery and eff^eminacy'. (67) Among the robbers, sexual morality was at a very low ebb. Licensiveness was very common. A hunter-king killed one of his followers and forced his wife to cohabit with him. (68) Their wives too were profligate, living with paramours and killing their husbands if they opposed their debauchery. (69)

Being idle by nature, thieves disliked to live by manual labour, Though showing flashes of energy now and then, they were incapable of doing laborious work for a long time. Once two thieves had to abandon their noble resolve to earn bread by the sweat of their brow as their jobs demanded very hard labour. (70) According to the Mahāvamsatīka, the eldest of the Nanda brothers joined a band of bandits finding their mode of life excellent. These robbers looked down upon the toils of tillage and 'gave themselves up to the more profitable pursuit of pillaging towns and villages and laying up stores of riches and grain and providing themselves with fish and flesh, toddy and other beverage, passing their life thus jovially in feasting and drinking.' (71)

Thieves, though generally very bold, often took fright for trivial reasons. Their courage faded at the approach of the dawn. Sarvilaka said, 'Whoever stares closely at me as I walk rapidly, or approaches me quickly as I stand in a state of distraction, -- my suspicious mind internally treats all such persons equally; for it is one's own faults that fill a man with apprehension.' (72) A teacher taught his dullard pupil a charm, 'you are rubbing, you are rubbing ! Why are you rubbing ? I know too.'

Being awakened by some noise made by burglars while breaking into his house, the pupil began to recite the charm upon which the burglars fled in fear dropping even their clothes thinking that the householder had been observing them. (73) The wild cry of a blind prince, himself frightened, scared some thieves away. (74).

Thieves and bandits were wont to use filthy language, (75) and ridicule honesty. (76) They regarded a pious fellow as a weakling and a coward. (77)

They were also vindictive by nature. (78) Seeing a suspicious-looking man whose feet were spattered with mud and robe was drawn over his head, the treasurer, Sumangala said to himself that the man must be a night-prowler. On hearing this, that thief bore him a grudge and burnt the treasurer's field seven times, mutilated his cattle and burnt his house and the Perfumed Chamber built by him at a huge cost and lastly even tried to kill him.

In the Kādambarī, (79) there is a fairly detailed picture of the repulsive character of the Sabara people, a tribe of habitual criminals. Their life was full of folly and their actions were condemned by the good. Their religion was the offering of human flesh to Durgā. Their food consisted of meat, wine and so forth. This was loathed by the good. Hunting was their exercise and their sāstra was the cry of the jackals. Owls were their teachers of what was good or bad. Knowledge of birds was regarded as wisdom. Their companions were the dogs. Desolate woods formed their kingdom. A drinking bout was their

feast. Bows were their friends. The heads of their arrows were smeared with poison and caused the destruction of deer. Other men's wives taken captive became their concubines. They lived with tigers. They worshipped gods with blood of beasts, offered flesh as sacrificial offering and earned their livelihood by theft. Gems found on the hoods of snakes were used by them as ornaments. Their cosmetics consisted of the ichor of wild elephants. They utterly destroyed the very forest wherein they lived.

The word 'Pulinda'⁽⁸⁰⁾ meaning a criminal tribe signified vice and misery. According to the Pulindas, vice brought success in life. They were also described as 'cruel, confused of mind, ever rogues.' The Kirātas (another criminal tribe) were unfair in trade, cheating the customers whenever they found an opportunity. In Pali, the words Kerātika, Kerātiya, etc. (Sanskrit Kairātaka) mean, cunning or hypocritical. According to the Mahābhārata, the Kirātas 'live on fruit and roots, dress in skins and perform cruel deeds with their cruel swords.' A repentant thief confessed that his life was full of shame.⁽⁸¹⁾

~~So long only the seamy side of the criminals' character has been shown.~~ ^{Thieves and Robbers} Though they were 'as rough and mean as they can be, regardless of noble men and even gods', sometimes they are said to possess some sterling qualities which even the noblest man could be envious of.⁽⁸²⁾

Though generally cruel, they often showed unexpected mercy towards their victims. They had a soft corner, especially

for the poor. Sarvilaka almost decided not to take a jewel casket from the hands of the sleeping Maitreya because 'it is hardly proper to rob a man of good birth who is as poor as I am.' (83)

A thief was once engaged by a man to rob his cousin, a pandita (a learned man or a teacher). As the thief stood concealed near the house of the pandita, he heard the latter describing his troubles to his wife who began to weep. This melted his stony heart and instead of burgling into the house, he dropped a bag of money there with a letter in cipher which meant that he was not a mere burglar. He had a heart. (84)

A hunter robbed a Brāhmana of his belongings including his sandals and as the latter was feeling difficulty in walking barefoot, he gave him his own worn-out shoes, out of pity. (85)

A generous robber let off a poor Brāhmana who had a thousand pieces of money with him. (86)

A master thief's shrewd policy (87) led a king to believe that his superintendent of Police was himself a thief. When the latter was ordered to be executed, the thief, however, became very sorry for him and came to the king and saved the superintendent's life by proving his innocence. (87)

On seeing that a poor couple had nothing ^{^ but a heap of ^ to} ~~except some straws~~ ^{^ to} as use as bed for their child, a thief threw a piece of cloth over it and went off in tears. (88)

Some forest-robbers about ^{^ to} ~~th~~ sacrifice a boy to Candika, gave him to an old Brāhmana when he claimed him to be his missing son. (89)

A Brāhmana robber fought against his own fellows to save the life of a Brāhmana. (90)

A robber-chief released Vasudatta from bondage as his heart melted with pity at the sight of the

latter. (91) Two fami~~ly~~ne-stricken Candālas having been arrested by the warders of a bandit village for trespassing into it were pardoned by the robber-chiefs who were moved to pity on hearing their tale of woe. They fed the Candālas, and took them in their band. (92) Five robbers supported for long twelve years the family of an ascetic who had left it to its fate during a famine. (93)

Though generally treacherous, the sense of gratitude was not entirely foreign to thieves and robbers. A thief left a house empty-handed because as his hand slipped into a vessel of curds therein, he tasted the liquid. (94) The idea is that one should not steal in a house where he had once eaten some food. Sarvilaka having unconsciously done some harm to Vesantasena, his benefactress, expressed his sorrow thus :

'Alas ! That branch [of a tree], to which I had resorted for shade when suffering from summer's heat, -- that very branch has been despoiled of its foliage by me, in my ignorance. (95)

Rauhineya (96) said that he would not destroy a city because his ancestors ^{^ had eaten} ate food sent by its people as tribute. The Pulinda chief, Vindhya~~ketu~~ released from captivity Sundar~~as~~ena whom he earlier decided to sacrifice before Candika because he suddenly recognised him to be the son of Mahasena whose court he had frequented and received many a favour from him. He fell to the ground lamenting pit^eiously for this misdeed, bandaged his wounds and administered medicines to him. He also released all

the other captives at Sundarasena's request. Soon Sundarasena got back his abducted wife who was at that time captured by the chief's men along with her captor, a merchant. Vindhya Ketu celebrated the reunion of the couple by arranging a great feast at which all the women of his tribe danced. He also honoured the couple with clothes and unguents. He made Sundarasena sit on a magnificent throne and honoured him with gifts, pearls, musk, etc. (97) Another robber-chief, Candasena learnt from a captive woman that she was the daughter of his benefactor who once saved his life. He began to regard her as his sister and at her request ordered his men to search her husband separated from her during the chief's attack upon them. The chief vowed to enter into fire if he was not found out within six months. When she gave birth to a son, the chief vowed to offer ten men to goddess Candasena if the mother and the child should remain in good health. Soon her husband was found out and, at his request, the chief agreed to abolish the custom of offering living beings to the goddess.

A young merchant, Dharana once earned the gratitude of a Kirata-chief named Kalasena by curing his wound. One day this chief unknowingly plundered the caravan of this very merchant and came to know about this from one of his captives whom he recognised to be a retainer of Dharana. He at once sent his men to look for the merchant. On their failure to find him out, Kalasena fainted from grief and after recovering consciousness bewailed his ingratitude. He vowed that he would enter into fire

in case he did not find him out within five days. He also promised to sacrifice ten men to Candikā if he was found out soon. After a few days, his men captured Dharana and took him along with others to the temple to offer them to the goddess. There Kalasena recognised him by his boldness and unselfish attitude and asked for his pardon. Dharana successfully persuaded him to worship the goddess in future with hymns of praise and flowers. Another merchant, Dhanadatta cured with a charm the beloved wife of the Bhilla chieftain, Simhacanda, and was rewarded by him for his service. The prince, Sena and his wife joined a caravan which was attacked by the Bhillas in a forest. Sena rushed into the fight and downed the Bhilla chief but spared his life. The grateful chief restored the looted property to the caravan and presented a belt to Sena. He also promised to send his men in search of Sena's missing wife and ultimately made the reunion of the couple possible. Mrgankadatta sought the help of Mayavatu, king of the Pulindas whom he once saved from three water spirits, in his fight against the father of his beloved whom he wanted to carry off from his custody. The chief gladly agreed to help him. To show his gratitude to the prince, he alighted from his horse, ran forward, fell at his feet and embraced his benefactor. He then fought against the army of the lady's father and helped the prince to carry her off to his (Mayavatu's) palace where their wedding took place. A merchant called Vasudatta once saved a Sabara chief from capital punishment by paying a lakh of gold pieces to the king.

The chief, on his return to the forest at first thought of making for him a beautiful necklace of pearls gathered from the heads of slain elephants. But as he saw a beautiful lady coming that way on a lion's back, he decided to marry her to his saviour. After that he generally lived in his friend's house. (98)

Thieves and robbers sincerely loved and honoured their friends and allies. Leaving his beloved lady on the road, Servilaka wanted to rush to the succour of his friend, Aryaka. He said, 'In this world, these two things are exceedingly dear to men, viz. a friend and a wife; but now [the circumstances are such that] the friend has become more important than even a hundred fair wives.' (99) Ghata's deep love for his friend, Karpura has already been referred to. He performed ^{the} ~~the~~ latter's funeral rites at a great personal risk. Udayana and his beloved Vasevedatta while going to seek the protection of their ally, Pulindaka, the king of the Pulindas, was attacked in the Vindhya forest by the chief's men. Udayana fought back heroically and was at last recognised by Pulindaka who prostrated himself before him and then took the couple to his village and arranged their wedding with great pomp. (100) Mrgankadatta was helped by the Kirata and Matanga chiefs because they were the friends of Mrgankadatta's ally, Māyāvetu. (101)

In their family life, thieves and robbers behaved like ordinary men. They loved their wives, sons and sisters and respected their parents. They had great respect for their gods and time-honoured customs and performed the funeral rites with

with meticulous care. The Bhilla-chief Simhaçanda deeply loved his wife Simhavatī.⁽¹⁰²⁾ Thieves generally tried to give proper coaching to their sons so that they could even surpass their fathers in the skill in thieving.⁽¹⁰³⁾ Rauhineya was the delight of his father.⁽¹⁰⁴⁾ But though loving, thieves never hesitated to send their sons on dangerous missions to gather experience.⁽¹⁰⁵⁾ When Rauhineya refused to kill or drink wine like others of his family, his father sternly said, 'Conduct yourself according to my wishes or prepare for death at my hands.'⁽¹⁰⁶⁾ Sons of thieves greatly respected their parents. At the behest of his parents, Rauhineya took to thieving though he did not like it at all.⁽¹⁰⁷⁾ Ignoring his personal safety, Sukumāra, as pointed out earlier, performed the funeral rites of his father. Sarvilaka lamented that though a son of a very learned Brahmana, he had unfortunately turned a thief.⁽¹⁰⁸⁾ Sisters of thieves often acted as their helpmates.⁽¹⁰⁹⁾ Their wives generally loved them, mourned their death and were proud of the prowess of their husbands.⁽¹¹⁰⁾ Rauhineya's mother proudly described the qualities of her husband and urged her son to follow his example.⁽¹¹¹⁾ ~~As pointed out before, Çhate performed the funeral rites of his friend as perfectly as possible.~~

Generally speaking, thieves and robbers made the rich their targets and sympathised with the poor. Sajjalaka said, 'I feel no compunction in my mind if I come across the house of a merchant who is rich and greedy, who disregards honest men, and is ruthless in business.'⁽¹¹²⁾ Apehārevvarman⁽¹¹³⁾ left nothing in a

richman's house excepting some mud-pots. He robbed all the wealthy misers of a city and 'gave that wealth to the poor and made them rich. 'Those misers with earthen bowls in their hands are moving begging at the gate-ways of these (newly) rich people.'⁽¹¹⁴⁾ Rauhinēya declared, 'Truly the [common] people do not need to be afraid ^{to} me in the least; [but] I shall come night after night and constantly play tricks with ease on the king, the prince, the minister and the policemen.' He earned popularity by distributing his wealth among the poor.⁽¹¹⁵⁾

Though greedy, thieves did not like excessive greed. Mahābala refrained from stealing in the houses of a merchant, a courtesan^s and a Brāhmaṇa simply out of disgust on seeing their inordinate love for riches.⁽¹¹⁶⁾ He saw through a lattice window that a merchant was bitterly quarrelling with his son over some small disagreement of accounts. He went away contemplating that such a miser who quarrelled with his diligent son over a trifle must die of heartbreak if he was robbed of his property. He was also surprised to see that a courtesan^s was entertaining a leper for money and in disgust, left her house. Lastly he saw a sleeping Brāhmaṇa who said, 'Thank you', mechanically when a dog urinated into his outstretched hands. As the greed of that Brāhmaṇa for gift persisted even in sleep, the thief deemed it beneath his dignity to rob such a despicable person.

There are some examples of thieves' regard for their word, and for truth and faithfulness. A robber-chief impressed by the valour of his victim promised to make him his chief minister

if he ever became a king. He fulfilled his promise when he really obtained the throne. (117) A thief who once let go a lady unmolested on her promise of coming back to him after her wedding, did not enjoy her when she actually came, out of his regard for her honesty. (118)

Somethieves and robbers are said to have followed some sort of moral code. Sarvilaka said, 'I do not rob a woman with ornaments on, looking like a creeper in blossom; I do not steal a Brāhmana's wealth, nor gold collected for the purpose of a sacrifice; so, too, I never, during my search after money, rob a child lying on a nurse's lap. [Thus] my mind has always been given to the discrimination of what is right and wrong, even in the act of committing a theft.' (119) The robber-chief, Kāyavya and his followers refrained from slaying women, children, cowards, ascetics and those who did not resist. (120) His men did not kidnap women and always tried to do good to the Brāhmanas. Kāyavya used to give the flesh of deer to the Brāhmanas regularly.

There is a rare example of a robber who lamented for murdering at the direction of his petbird, a man who did not have any money with him. (121)

High-born thieves were well-grounded in the various Kalās (Arts). On entering a palace, Apaharavarman saw a sleeping princess for whom he felt a strong passion. He painted in a board the sleeping princess and also himself as kneeling at her feet with folded hands. Then he wrote a verse: 'This your slave here, with folded hands, implores of you this object that is so well

known, viz. -- sleep with me, exhausted in sport alone, and not in this manner.' Then he chewed some betel-leaves, a bit of camphor and scented catechu and spat on the white wall, ~~with its~~ reddish juice. The shape of a pair of Cakravākas was thus created on the wall. (122)

Another thief who entered into king Bhojā's treasure-house through a tunnel heard him repeating a half stanza several times as he was apparently unable to compose the rest. Unable to restrain his flow of poetical inspiration, the thief exclaimed the remaining half stanza. The king composed this couplet :

'This, which within the moon has
the appearance of a strip of cloud,
People call a hare, but to me it,
does not wear that form.'

The thief's composition ran thus :

'But I think that the moon has its body marked
with the brands of a hundred scars,
Entrenched by the meteor-strokes of the side-long
glances of the fair girls afflicted by
separation from your foes.' (123)

This thief was richly rewarded by the king. The oratorical skill of Rauhineya was also very impressive. (124)

A thief, eager to vindicate justice, saved a man from execution. A profligate woman^a left her house at night to see her paramour who was hanged by the city-guards on the supposition that he was a thief. As she was kissing his mouth, the corpse which was then animated by a vetāla bit off her nose. She then

returned to her house, went to the king and accused her innocent husband of mutilating her. The king ordered her husband to be executed. But a thief who entered into their house that night and followed her to rob her ornaments, disclosed everything to the king. He did it knowing fully well that his confession might lead to his own execution. (125)

Justification and Condemnation of Theft by Thieves,

Nobody looks down upon his profession. The thieves and robbers generally regarded their calling as respectable and adventuresome, affording easy means of livelihood. Robbers, especially forest-robbers like the Thuggees considered their avocation, as already pointed out, to be sacred having some sort of divine sanction. Sarvilaka is vociferous in his praise of thieving : 'Let people call, as they will, this a vile trade, which thrives well when people are asleep; and that getting the ^bgetter of people by cheating them when they are unsuspecting, is mere thieving, and by no means a brave deed. Still, even a condemnable position of independence is preferable to serving others with folded hands. And this is the path that was followed of Yore by Drona's son [Asvatthāman] when he assassinated the Kṣatriya princes in sleep.' (126) Rauhineya proudly declared : 'Let all the people hear, I am a thief, born in a thieves' family, of pure thief lineage on both father's and mother's side'. (127) Indeed 'the despised occupation which is born with one is surely not to be discarded. The practiser of the Vedic rites, though tender with pity, has to be heartless in the act

of killing animals.' (128) A pet bird rebuked his master, a robber, for shrinking from attacking a king. This, in its opinion, amounted to contempt for the calling he lived by. (129)

Sarvilāka, (130) who was not a hereditary thief, however, condemned stealing. According to him, theft was a 'deed of sin', ^{^a}crime, 'that shuns the light of day.' He lamented that by ^{^m}committing theft in Cārudatta's house, he tarnished the good name of his family.

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1. Mrcchakatika, III. 20-21 :

Mārjārah Kramane mrgah prasarane syeno grahālūncane
Suptāsuptamanuṣyaviryatulene svē sarpane pannegah /
Māyā rūpaśarīravesāracane Vāgdesābhāṣāntare
Dīpo rātrisu sāmkaṭesu dūḍubho vājī sthale naurjale // 20 //
Apica /
Bhujega iva gatau giriḥ sthiraṭvā^e patagapāteḥ
parisarpāne ca tulyah /
Sasā iva bhuvanāvalokane^e 'ham Vṛka iva ca grahane
bale ca simhaḥ // 21 //

See ^{^ the} Mrcchakatika, ed. Kale, pp. 120-21.

2. Ibid., ^{^ ed. Kale,} Notes, p. 69; ibid., ed. Haridas Siddhantevagis^h,
p. 231.

3. Carudatta, III. 11. See ^{^ the} Phāsanātākacakra, ed. C.R.Devadhar,
p. 229 :

Mārjārah plevane vṛko^e 'pasarane syeno grhālokane
Nidra^e suptamanuṣyavīryatulene samsarpāne pannegah /
Māyā varṇaśarīrabhedākarane vāg desābhāṣāntare
Dīpo rātrisu sāmkaṭe ca timiraṁ vāyuh sthale naurjale //

4. Deśakumāracarita, ed. Kale, p. 98.

5. Mrcchakatika, ^{^ ed. Kale,} op.cit.; Notes, pp. 64-65.

6. Ibid., III. 23; IV. 1-3.

7. Deśakumāracarita, op.cit., Notes, p.75; Menoj Basu, ^{^ Nisikumbha} op.cit.,
^{^ (in Bengali),}
Vol. II, pp. 38 and 120 : Thieves do not enter into a house
where there is a patient or a baby, or an old man or a man
or women of loose character.

8. Sedhu, Folk Tales from Kashmir, ^{^ the story} 'Mahadeva', pp. 159-60.

9. Lal Behari Day, Folk Tales of Bengal, pp.171ff.; Desakumāracarita, op.cit., p. 76.
10. See the Rauhineyacaritra (242 ff.), trans. H.M.Johnson, op.cit., pp. 159ff.
11. Bloomfield in AJP, Vol. XLIV, p. 216.
12. H.M.Johnson in JAOS, Vol. XLIV, pp. 1-10.
13. Mrechakatika, op.cit., pp. 114, 136. Also see p. 120.
14. Desakumāracarita, op.cit., pp. 55, 69-70.
15. Ibid., pp. 57ff.
16. Ibid., pp. 63ff. [^] Vol. XLIV,
17. Bloomfield, op.cit., [^] p. 206.
18. Ibid., p.207; see p. 208. for a somewhat similar tale.
19. Ibid., p. 208.
20. Ibid., p. 209.
21. Chintaharen Chakravarti in Siddhe-Bhāretī, [^] Vol. I, op.cit., pp. 230-32.
22. Bloomfield, [^] Vol. XLIV, op.cit., p. 212.
23. Ibid., pp. 212-15. [^]
24. Ibid., p. 214.
25. Sadhu, op.cit., p. 60.
26. Bloomfield, [^] Vol. XLIV, op.cit.; p. 208.
27. J.C.Jain, op.cit., p. 67. [^] *Life in Ancient India as depicted in the Jaina Canon,*
28. Bloomfield, [^] Vol. XLIV, op.cit., p. 217.
29. Bloomfield in AJP, Vol. XLVII, p. 232; Kadambarī, trans. J.N.S.Chakraverty, p. 50.
30. Bloomfield in AJP, Vol. [^] XLIV, ~~XLVI~~, pp. 208-09.
31. Ibid., p. 219.
32. Desakumāracarita, (Chap. IV), op.cit., p. 124.

33. Bloomfield, ^{^ Vol. XLIV,} op.cit., p. 217.
34. Ibid., pp. 121ff.
35. Rauhineyacaritra (8ff.), op.cit., pp. 159ff.
36. Bloomfield, op.cit., p. 206.
37. Rauhineyacaritra (120ff.), op.cit., pp. 159ff.
38. Mrechekatika, Act III; Dasakumāracarita, Chap. II.
39. Pāncatantra, trans. Ryder, p. 297.
40. Rājataranīni, VIII. 368. 16.
41. Bloomfield in AJP, Vol. XLVII, p. 209.
42. Ibid., p. 220.
43. Ibid., pp. 216ff.
44. Buddhist Legends, ^{^ Harvard Oriental Series,} op.cit., Vol. XXIX, p. 304.
45. Kethās., ^{^ trans. Tawney, ed. Penzer,} op.cit., Vol. VI, p. 88.
46. Ibid., p. 116.
47. Bloomfield in AJP, Vol. XLIV, pp. 196ff.
48. Ibid., p. 218.
49. Buddhist Legends, ^{^ Vol. XXIX,} op.cit., p. 227.
50. Bloomfield in AJP, Vol. XLVII, pp. 221-22.
51. Ibid., pp. 213-14.
52. The Jātaka, ^{^ ed. Cowell,} op.cit., Vol. IV, No. 503.
53. Bloomfield in AJP, Vol. XLIV, p. 212.
54. Ibid., p. 227.
55. Richard Fick, The Social Organisation in North East India
in Buddha's Time (Trans. S.K. Maitra), p. 236.
56. Bloomfield, op.cit., p. 214.
57. Kethās., op.cit., Vol. VIII, p. 140.

58. Kathās Kose, trans. Tawney, p. 203.
^{^ she}
Russel, Tribes and Castes of the Central Provinces, Vol. IV, p. 493 : 'If we see a cat when we are near the place where we intend to commit a dacoity, or we hear the relations of a dead person lamenting, or hear a person sneeze while cooking his meal, or see a dog run away with a portion of any person's food, or a kite screams while sitting on a tree, or a woman breaks the earthen vessel in which she may have been drawing water, we consider the omen unfavourable. If a person drops his turban, or we meet a corpse, or the Jemadar has forgotten to put some bread into his waist belt, or any decoit forgets his axe or spear, or sees a snake whether dead or alive; these omens are also considered unfavourable and we do not commit the dacoity.' These unfavourable omens were described by a member of the Sānsā caste of wandering criminals. See The Kathās., op.cit., Vol. III, p. 86, Note 1.
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60. J.J.Meyer, Sexual Life in Ancient India, Vol. I, p. 273.
61. Bloomfield, ^{^ Vol. XLIV} op.cit., p. 218.
62. H.M.Johnson in JAOS, Vol. XLIV, pp. 1-10.
63. Bloomfield in AJP, Vol. XLVII, p. 217; Kādambarī ed. Haridas Siddhantevagisa, p. 110.
64. J.C.Jain, op.cit., pp. 167ff.
65. J.J.Meyer, Hindu Tales, p. 265.
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81. Desakumāracarita (Introduction, Chap. II), op.cit., p. 24.
82. Bloomfield in AJP, Vol. XLIV, p. 217.
83. Mrcchakatika, trans. Rydér, p. 50.
84. Sadhu, op.cit., pp. 81ff.
85. Skanda Purāṇa, ed. ^hPancanana^h Tarkaratna, Vol. II, Chap. XVII, verses 16ff.
86. The Jātaka, op.cit., Vol. II, No.279 (Satapatta-Jātaka):
^{Vol. I,}
87. Chintaharan Chakravarty, op.cit., pp. 230ff.
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88. Bloomfield, op.cit., p. 219.
^h
89. Desakumāracarita, op.cit., p. 15.
90. Ibid., pp. 24ff.
91. Bloomfield in AJP, Vol. XLVII, p. 232.
92. Kathās., op.cit., Vol. VIII, pp. 140ff.

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95. Mrcchakatika (IV. 18); ed. Kale, p. 147.
96. Rauhineyacaritra (192ff.), op.cit., pp. 159ff.
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120. Mahābhārata, XII. 135.
121. Pāncatantra, trans. Ryder, p. 173.
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123. Prabandhacintāmaṇi, op.cit., p. 38.
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CHAPTER VIII

Protection from Thieves and Robbers

In the law-books and literature, numerous injunctions are found upon kings to protect their subjects from the depredations of thieves and robbers as well as from the invasions of external enemies. (1) All expounders of polity unanimously declare that protection of the subjects is the first and foremost duty of the king. Vasistha maintains that protection of the people is a lifelong sattra (sacrifice) for a king. (2) Ancient India regarded state and kingship as beneficent institutions evolved for the protection of human life and property. (3) The king was bound to protect his subjects for he took from them tax which was considered to be his wage (vetana). (4) Want of protection would mean chaos. (5) People would be disaffected, leave the kingdom and might even revolt against the king who would fail to protect them. (6) Grave sin and infamy were in store for a king who did not care to protect his people from thieves and robbers. He was a veritable thief and the embodiment of Kali himself. According to Manu, a king who takes the sixth part of the produce from his people but does not protect them takes upon himself all the vices of his subjects. (7) Ancient Indian writers lavish unstinted praise upon those kings who spared no pains to protect the life and property of their subjects from the depredations of thieves and dacoits. Kings who protected the people from these criminals would get undying fame, vast kingdoms and inestimable virtues. (8) Such a king was regarded as the ideal monarch. According to Āpastamba, (9) in a well-administered state, there is no danger from thieves and robbers either in the villages

or in forests. The kings were required to fight and even die for protecting the cows and property of the Brāhmanas. According to Āpastamba,⁽¹⁰⁾ a king who dies while striving to recover the wealth of Brāhmanas [from thieves] is said to perform very costly sacrifice. In the kingdom of a dutiful king, theft and robbery were unknown, doors of houses were left open and women bedecked with ornaments could move about fearlessly without any escort.⁽¹¹⁾

We are told that there were no thieves and robbers in the kingdom of Asvapati.⁽¹²⁾ According to Megasthenes⁽¹³⁾ who visited India in the fourth century B.C., when he was in Chandragupta's camp, consisting of 400000 men; theft reported on one day amounted to only about £8 or Rs.100 (200 drachmai). Megasthenes further says that the Indians generally leave their things unguarded at their homes. According to Hiuen-Tsang⁽¹⁴⁾ who came to this country in the seventh century A.D., criminals in India were few in number and only occasionally troublesome. The people would not take anything wrongfully.⁽¹⁵⁾ Harirāja of Kashmir (1028 A.D.) having cleared the land of thieves prohibited the closing of doors in the market-street at night.⁽¹⁶⁾

In the Mahābhārata,⁽¹⁷⁾ a Brāhmaṇa, on seeing his cattle being stolen by thieves, demanded their restoration by the Pāṇḍava brothers as they were paid one-sixth of the produce as tax. The third Pāṇḍava, Arjuna had to enter into the armoury where his eldest brother was in bed with their wife, Drāupadī, to bring his weapons though for this offence, he was liable to banishment. He

then pursued the thieves, fought against them, recovered the Brāhmaṇa's cows and gave them back to him. Another Brāhmaṇa, whose wife had been stolen by somebody, demanded of the king her restoration as he was there to protect the people. (18) The king, finding her recovery quite difficult, offered to give him a new wife and on his refusal, had to find his wife out with great difficulty. ~~The king's responsibility to restore stolen goods will be discussed in detail later on.~~ Even a staunch non-violent king like Aśoka, who promised to forgive most of the wrongs done to him, was forced to threaten the forest-folk who probably raided villages and towns, with dire consequences if they did not mend their ways. (19)

People often complained to the king of the depredations of thieves and robbers and demanded protection which the king was obliged to give. (20) When a thief sent notice to a king informing him of his intention to attack his city, the king had it guarded day and night by his captain of policemen and one thousand soldiers. (21) While during ^{^ the} ~~this~~ march, the soldiers of king Harṣavardhana were plundering the ripe crops of his subjects, they were loud in their protestation: 'Where's the king ? What right has he to be king ?'. (22) A good king had therefore to make systematic arrangement for the protection of his people. According to Kautilya, there shall be set up a sthāniya (a kind of a fortress) in the centre of eight hundred villages, 'a dronamukha in the centre of four hundred villages, a khārvātika in the centre of two hundred villages, and a saṅgrahana in the midst of a collection of ten villages. There shall be constructed in the extremities of the kingdom forts, manned by boundary-guards (antapālā), whose

duty shall be to guard the entrance into the kingdom. The interior of the kingdom shall be watched by trap-keepers (vāgurika), archers (Sābara), hunters (Pulinda), Candālas, and wild tribes (aranyacara)⁽²³⁾. For the purpose of protection, the villages and towns were surrounded by enclosures of timber-posts and strong, high walls respectively. (24)

Manu⁽²⁵⁾ prescribes the posting of gulmas (modern thana or a company of soldiers) in the midst of two, three, five and hundred villages for the protection of the people. Āpastamba⁽²⁶⁾ asks the king to appoint men of high castes who are pure and truthful, over villages and towns for their protection. They should protect a town from thieves in every direction to the distance of one yojana and the country to the distance of one krosa from each village. Kautilya's Samāhartr is to employ spies to root out all sorts of criminals including thieves and robbers.⁽²⁷⁾ His officers, gopas and sthānikas, had to set up boundaries to villages.⁽²⁸⁾ Apart from other considerations, this was also necessary to determine whether theft was committed within the boundary of a particular village or not and also for fixing up the responsibility of the villagers for that crime. The officers had also to maintain a detailed record about the number and location of forests, altars, temples of gods, cremation grounds, feeding houses, drinking places, pasture grounds, etc., places which were favourite haunts of the thieves and robbers. They had also to register the total number of the villagers under their jurisdiction and to keep an account of the number of cultivators, cowherds, merchants, artisans,

labourers, slaves, biped and quadruped animals in their area. They were also to keep an account of the total number of men, women, children and old men in a house. They used to record their nature or history (caritra), occupation (ajiva), income and expenditure. This record must have helped the Samahartr to detect a new-comer or a man of suspicious nature whenever there was a crime in the rural areas and this must have also served as a deterrent. But the Samahartr could not rest content even with this. His spies in the guise of householders and cultivators ascertained the validity of those records. According to Kautilya, ⁽²⁹⁾ the superintendent of pastures are to clear the valleys from thieves with the help of his men. Hunters along with their hounds should patrol the forests. Hiding themselves effectively, they should blow conch-shells or beat drums at the approach of thieves. They are to inform the Superintendent of the approach of wild tribes by flying pigeonsⁿ with passes attached to them or by kindling fire and raising smoke at successive distances. In short, the Superintendent's duty was to arrest thieves, protect cows and make the roads safe for the merchants. According to some, ⁽³⁰⁾ the Superintendent collected protection taxes. Menu ⁽³¹⁾ says that 'much frequented places, cisterns of water, bake-houses, the lodgings of harlots, taverns and victualling shops, squares [&] where four ways meet, large well-known trees, assemblies, and public spectacles, old court yards, thickets, the houses of artists, empty mansions, groves and gardens' and like places shall be guarded by the king

with soldiers, both stationary and patrolling, and secret watchmen for the prevention of robberies. In the Mahābhārata,⁽³²⁾ we find a somewhat similar description. Kautilya⁽³³⁾ also prescribes that the Samāhartr's spies, in the guise of old and notorious thieves, along with their followers should guard alters, meeting places of four roads, ancient ruins, vicinity of tanks, rivers, bathing places, places of pilgrimage and hermitage, desert tracts, mountains and thick-grown forests to ascertain the causes of arrival, departure and halt of thieves, enemies and persons of undue bravery. According to Kautilya, in the towns too, the gopas and sthānikas shall keep the accounts of the households and record the caste, gotra, name and occupation of the members and also their income and expenditure.

Managers of charitable institutions, according to Kautilya, are to inform the gopas and sthānikas of the arrival of heretics and travellers there. Ascetics and men learned in the Vedas shall be allowed to reside in their institutions only if their character is well known to them. The merchants are to report to the officers about people selling commodities in forbidden place or time and also about those in possession of goods belonging to others. Prostitutes have to inform the Superintendent of Harlots about the persons entertained by them at night. In the city, the prostitutes as well as the vintners, sellers of cooked flesh and cooked rice are not to harbour unknown persons. They should inform the city-officers (gopa and sthānika) of spendthrifts and persons who engage in risky undertakings. A

physicians should not treat a person suffering from cut or excess of unwholesome food or drink without making a report to the officers.

The master of a house should send information to them as to the arrival or departure of strangers at or from the house. Otherwise they will be held responsible for the offence committed during that night. Even during safe nights, they will have to pay a fine of three panas for not reporting to the officers concerned. According to Kautilya, in the cities, curfew shall be clamped down every night and the movements of the citizens shall be forbidden from 9 P.M. to 3.30 A.M. with some exceptions. In the Kethakosa,⁽³⁴⁾ a Brāhmana is arrested by the police for moving in the street at midnight. According to Kautilya,⁽³⁵⁾ the Superintendent of Ships should police the rivers and sea-coast and destroy the pirate-ships. Even the crossing of fords or rivers is to be prohibited at unusual time and place and also without pass at usual time and place. Persons⁽³⁶⁾ coming to stay in the burning ground had to report it to the keeper of that place, the chief Elder at the monastery and to the village-headman in order to free themselves from suspicion, as thieves generally frequented such places to conceal their loot.⁽³⁶⁾ The precautionary measures prescribed by Manu and Kautilya were most probably followed by the rulers with the happiest possible result. Sukra requires that people should not keep wicked people like thieves, bad characters and malicious and offensive persons screened. Probably he means that the people should refuse protection to these men and hand them over to the police. 'The whole society is thus to be an information and vigilance committee, and an association for public safety.'⁽³⁷⁾

The village-headman called grāmanī, grāmaḥojaka, grāmika, grāmādhīpati, etc., was entrusted with the duty of keeping the village safe from thieves and robbers. ⁽³⁸⁾ The Kharassara Jātaka (No. 79) shows that the village-headman was to collect revenue and protect the villagers from the attacks of robbers with the help of local men or militia. Dereliction of this duty was punished by the king. According to Manu and Viṣṇu, ⁽³⁹⁾ the lord of the village should try to suppress the evil in the village failing which, he must send report about that evil to the lord of ten villages. If the latter fails to redress the wrong, he should at once inform the lord of twenty villages. If the lord of twenty also fails to suppress the evil, he must announce it to the lord of a hundred villages and the latter failing to right the wrong, should make a report to the lord of a thousand villages i.e. the lord of the district who should remove the evil; otherwise he should give redress to the wronged party. According to Apastamba, ⁽⁴⁰⁾ the king's officers engaged to protect the people must repay the price of what is stolen within their jurisdictions. Yājñavalkya, Nārada and Kātyāyana ⁽⁴¹⁾ prescribe that the thief should be forced to restore the stolen property or to pay its price; if the thief cannot be found, the officers and wardens of the country should pay the price of the stolen articles. He, on whose ground theft has been committed, must try his best to trace the thieves, otherwise he has to compensate for the loss. He will be, however, free if the footmarks can be traced from his ground into another man's ground. When the footmarks after leaving that ground are lost and can no

further be traced, the neighbours, inspectors of the road and governors of that region were to be held responsible for the loss. The property stolen in the village is to be made good by the headman of the village, if the thief's footsteps are not traced as going out of the village. If theft takes place in a pasture land or forest (and the thief is not found), the owner of it has to pay. Kātyāyana,⁽⁴²⁾ however, holds a different opinion regarding the imposition of the responsibility of paying compensation in case of theft in a forest. If, however, theft is not committed in a forest but on the road, then the officers appointed to arrest thieves should be made to pay; the whole village may be made to pay the compensation when theft is committed within the boundaries of a village but outside the limit of the residential quarters, if the footsteps of the thief are not traced as going out of the village. When the footmarks are obscured or interrupted as they go to broken ground or to a spot much frequented by people, the nearest village or pasture ground should be held responsible. If a theft takes place beyond one krośā from a village, the surrounding five or ten villages may be made to pay the compensation. In order to prevent unnecessary harassment to the people, Kātyāyana lays down that, when a wicked man claims to have been robbed or if there is a doubt whether the theft has really been committed, such a man must confirm his report by an oath. According to Manu, those who do not give assistance against the plundering of a town, . . . 'or on seeing a robbery on the highway, shall be banished with their cattle and utensils.'⁽⁴³⁾ Nārada⁽⁴⁴⁾ regards such persons as accomplices in the crime. In short, local

responsibility for crimes was strictly enforced. This must have ensured peace and prosperity. Manu⁽⁴⁵⁾ ordains that those appointed to guard any district or those of the vicinity employed for that purpose should be punished as thieves if they remain neutral during attacks by robbers or do not try to seize them. Kautilya⁽⁴⁶⁾ prescribes elaborate arrangement for the protection of merchants while they pass through villages, forests and along roads. Merchants travelling in caravans are to halt in the particular part of a village allotted to them and inform the village-headman of the value of their merchandise. When a part of their goods which had not been sent out of the village at night is stolen or lost, the ^hheadman must make good the loss. If theft or loss occurs in the intervening places between any two villages, the superintendent of Pasture shall make good the loss. If there are no pasture lands in such places, or if it takes place outside his jurisdiction, the officer, called corerajjuka will then compensate the loss. "If the loss takes place where there is no such officer, even in that unprotected locality, the responsibility for the loss must rest on some one in charge of this 'No Man's land'".⁽⁴⁷⁾ Failing him, the people of the neighbouring five or ten villages will make good the loss. The antapāla of Kautilya is to collect customs duties from the traders and make good whatever has been lost or stolen in places within his jurisdiction.⁽⁴⁸⁾ According to Kautilya,⁽⁴⁹⁾ the king must keep the roads free from the molestation of courtiers, robbers and boundary guards.

Most early Indian authorities enjoin upon the king to recover the citizens' articles stolen by thieves and give them back to their owners. (50) On his failure to recover the stolen goods, the king must make good the loss from his own treasury. According to Kautilya, the king may also engage a person who volunteers to recover the stolen goods. According to the Visnudharmottara, (51) if a person is robbed by his own servants, the king may only try to recover the stolen goods, but is not bound to restore them from his own treasury. King Prasenjit^a promised a Brahmana to recover his stolen goods from thieves, and otherwise compensate the loss. (52) According to Kautilya, (53) the Superintendent of cows shall have ^{a provision} ~~an arrange-~~ment for the keeping^a of cows ^afor the people who are afraid of thieves.

Thus Kings used to make elaborate arrangements for the patrolling of city streets day and night and entrusted the district and village officers with the task of maintaining law and order in rural areas. They discharged their duty with tolerable efficiency with the help of a country constabulary. Kings had often to fight against dangerous robbers or robber-bands to ensure the safety of his people. (54) On rare occasions, weak kings had to pay subsidies to robbers to stop their pillaging. (55)

It is very doubtful whether the state could make adequate police arrangements for dealing with the numerous criminals in ancient India. So the people themselves had often

to devise means to protect themselves. The people often used prayers, charms and spells to avert thieves and robbers. In the Vedic age, prayers were offered to Agni and Night to keep them in safety. ⁽⁵⁶⁾ Possibly the following mantras were used to protect the cows. (A) 'They shall not be lost; no thief shall harm (them); no hostile (person) shall dare attack their track.' ⁽⁵⁷⁾ (B) 'I cannot (bear) with pisācas, nor with thieves, nor with savages; the pisācas disappear from that village which I enter.' ⁽⁵⁸⁾ To protect the wives and cows of the Brāhmanas, the priestly class composed verses describing the grave consequences of robbing them or taking the meat of the cows. Manu declares that the property of a Brāhmaṇa should never be seized by a Kṣatriya. ⁽⁵⁹⁾

In the Vedic age, the people often fought under their heroes to recover their men and cows stolen by their enemies and gave a hot chase to the stealers. Indra, ^aSome and others were their leaders or patron-deities. ⁽⁶⁰⁾

Householders also kept dogs to alert them and drive away the thieves. ⁽⁶¹⁾ The severe punishments inflicted upon the thieves and robbers also served as a deterrent.

In both the Vedic and post-Vedic ages, people had strong faith in charms and spells.

The cast skin of an ahi (snake) was used as an amulet against highwaymen. ⁽⁶²⁾ The Sāṅkhyāyana Grhya Sūtra ⁽⁶³⁾ refers to the chanting of a Rgvedic hymn ('May no waylayers meet us at a crossway' etc.) at the time of the departure of the bridegroom and the bride from the latter's house. On an unsafe road, the

traveller should chant, according to the Khādira Grhyasūtra,⁽⁶⁴⁾ a Rgvedic hymn '[go away] for safety' etc. For a safe journey by dangerous roads, travellers used to make knots in the skirts of their garments.⁽⁶⁵⁾ A Brahmacārin was to swing his staff of reed thrice from left to right over his head with this formula : 'Speed ! Make speed away from us those who hate us, robbers . . . Protect us, O Staff, from danger that comes from men; protect us from every danger; from all sides destroy the robbers' and with this verse, 'Not naked thou art born on all trees, a destroyer of foes. Destroy all hosts of enemies from every side like Maghavan.'⁽⁶⁶⁾

Sages could transfix a thief.⁽⁶⁷⁾ The sage Jambū made some thieves who broke into his house stark like clay figures with the spell called stambhani.⁽⁶⁸⁾ To protect their residence, body and rituals against the attacks of thieves and robbers, the monks used to besmear their bodies with the consecrated ashes or damp earth as a protective charm.⁽⁶⁹⁾ Sometimes a thread was tied ~~into~~ to their bodies for the same purpose. The Jaina monks used the charm called mohanakara to bewilder thieves.⁽⁷⁰⁾ The charm lesani made a person cling to some thing.⁽⁷¹⁾ By a spell called cetaka, thieves could be brought to one's presence.⁽⁷²⁾ The great Buddhist scholar Dīpaṅkara had to use mystic charms to ward off some brigands who tried to take away a small sandal wood table from him.⁽⁷³⁾ According to the Viṣṇu Purāṇa,⁽⁷⁴⁾ the syamantaka gem could remove fears from thieves. Hemavijaya's Kathāratnākara⁽⁷⁵⁾

refers to a ring which could protect one from thieves. The Divya-vadāna⁽⁷⁶⁾ mentions a gem which could remove fear from thieves.

Menu⁽⁷⁷⁾ allows twice-born men to take up arms in self-defence if threatened by danger. According to him, a man can kill another in self-defence. The Sāntiparvan of the Mahābhārata⁽⁷⁸⁾

asks persons of all Varnas to take up arms when robbers (dasyus) cause confusion. Viṣṇu⁽⁷⁹⁾ permits people whom the king cannot effectively protect, to purchase peace by giving shelter and food to robbers. Householders or travellers, used various tricks as pointed out before, to scare away thieves and robbers. They generally took advantage of the timidity, foolishness and superstitions of those criminals. The Jātaka tale⁽⁸⁰⁾ in which a single man succeeded in driving away a band of robbers by raising a hue and cry and feigning to prepare the inmates of the empty house for a strong resistance, has been mentioned earlier. Travellers often banded themselves together to resist robbers while passing through highways and forests haunted by robbers and criminal tribes.⁽⁸¹⁾ For the same purpose traders too moved in batches.⁽⁸²⁾ Caravan leaders promised to provide food, drink, clothes, utensils and medicine free of cost to those who would accompany them on their journey.⁽⁸³⁾ Forest-guards were hired by the traders to escort them through dangerous forests.⁽⁸⁴⁾ According to Brhaspati,⁽⁸⁵⁾ when there is a trouble from robbers, a compact (samaya) may be made among villagers, guilds (sreni) and corporations (gana). Two, three or five men should be appointed as advisers of groups. The villagers and members of the guilds, corporations, etc., should

follow their advice. To repel the criminals, every house shall send one able-bodied and armed man. Any person who, though able to carry out such an agreement, violates it, should be punished with the confiscation of his wealth and banishment. According to Brhaspati, the danger should be repelled by all and not by one man alone. From a verse of Nārada, it appears that the village assembly was permitted by the king in an emergency 'to organize an adequate police or military force to repel attacks against the village either from within or from without'. Kautilya says that the king should favour those villagers who will protect the village jointly. There are numerous inscriptions which tell us that many brave men fought against enemies to protect the person and property of the villagers and often sacrificed their lives in doing so. The people put up laudatory inscriptions to commemorate their heroism. (86) The guilds or village-assemblies had at their disposal adequate military force to defend their members. According to the Mandasor inscription of Kumāragupta, some members of a guild 'distinguished themselves by their heroism in battle in which they destroyed their enemies.' Some of the guilds, ^{as pointed out earlier, greatly} developed their military strength ~~so far as to find it profitable to pursue offensive purposes or engaged in plundering expeditions.~~ ^{and} Guilds known for their military strength have been referred to by the Mahābhārata and ^{the} Arthasāstra. (87) Generally, people kept the doors of their houses shut for safety at night and sometimes even during the day. Well-to-do peoples posted door-keepers at the door. (88) Once a band of robbers

pillaged a frontier village and carried away some villagers. From that time on, the villagers became very busy fortifying their village. (89) Rich householders made elaborate arrangements for the protection of their houses. The house of a rich lady was 'surrounded with seven walls, provided with seven battlemented gates and at frequent intervals about the circuit of the walls were savage dogs in leash. Moreover, within, where the water dripped from the house-roof, a trench had been dug and filled with lead. In the day time this mass of lead melted in the rays of the sun and became viscous, and in the night time the surface became stiff and hard. Close to the trench, great iron pickets had been sunk in the ground in unbroken succession.' (90) Sometimes an automaton was used to catch thieves. A thief while trying to steal a jewel from the head of an automatic vetala erected in front of the house of a courtesan, was caught by it. (91) The Rauhineyacaritra (92) refers to a lamp-holding statue of a woman adorned with ornaments, a sword and a shield. It was called the 'thief - catcher'. By pulling cords, it could be made to move, strike, dance, etc. In fear of thieves, men often buried their treasures underground. (93) Sometimes rich people buried their treasures in a hermitage to keep them secure. (94)

Generally, the kings caused their names to be engraved on their rings and other valuables. (95) Rich people, too had this good habit. (96) Kautilya (97) also refers to articles with marks of identification. When stolen, these could be easily detected.

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CHAPTER IX

Detection of Theft and Robbery

Cases of theft and robbery were investigated very carefully and for the purpose of efficient detection of crimes, the Vedic rulers had skilled spies (spasa) in their employ. The Vedic gods, Varuṇa, Soma and Mitra whose counterparts were the earthly kings, are said to have engaged spies to gather detailed information about men's doings on earth. (1) In a Rigvedic Verse, (2) there is reference to spies in connection with an act of stealing. In the post-Vedic age, the employment of spies to search for thieves and robbers was common. With the help of the spies who were as it were, the eyes of a king, the latter used to find out thieves, robbers and such other criminals. (3) The spies used various disguises (e.g. the guises of ascetics, householders, traders, students, notorious thieves, etc.). (4) The utility derived from their employment ultimately led to the establishment of a regular department of Criminal Intelligence. The spies were generally called cāra, gudhapurusa, prativedaka, etc. They were recruited from men of intelligence, purity and integrity. (5) According to Megasthenes, (6) they were the most trustworthy men. They came from all classes of people, viz. ascetics, disciples, students, jugglers, bards, diviners, fortune-tellers, physicians, traders, artists, musicians, vintners, confectioners, prostitutes and others. According to Kautilya, the wives of actors and others of similar profession who have learnt to speak many languages and the use of signals (samjñā), shall, along with their relatives, be made use of in detecting the wicked. (7) They should be experienced, cunning and thoroughly acquainted with the habits of thieves and

robbers. (8) There were also private informers called stobhakas (9) and sucakas. (10) Kautilya prescribes the employment of spies, private (sucaka) and government agents (bhrtaka), to detect embezzlement of revenue. If the private informers succeeded in proving their charges, they would get one-sixth of the amount in question as reward. But a government servant (bhrtaka) would get only one-twelfth of the amount for giving correct information. If only a part of the charge, was proved, the informer would get the prescribed share of the part of the amount proved. If an informer failed to prove his charge, he would be fined or punished corporally. If an informer being influenced by the accused, would withdraw the charge, he would be put to death. Some of these spies and policemen were specialists in tracking foot-marks of men and animals. (11) According to the Law-books, as pointed out before, to find out thieves, footmarks are to be carefully observed. In the Dasakumāracarita, Jaina canons, (12) etc., we often find officers and experts tracking the foot-marks of thieves and robbers and arresting them in no time. According to Sayana, the Rgveda (13) refers to professional cattle-trackers who may be compared with the khojis (14) of the Punjab, who were experts in identifying foot-marks. In this connection, a tale in the Parisistaparvan (15) furnishes interesting information. Two monks making themselves invisible by rubbing their eyes with a miraculous ointment, used to eat from the plate of Candragupta regularly. As the king ate only half of his usual food, he began to grow thinner every day which alarmed his minister, Canakya. Candragupta

told him that everyday half of his food disappeared from his plate mysteriously. In order to discover its cause, the minister strewed a very soft powder on the floor of the dining hall and at the next dinner, imprints of human feet were visible there.

On another occasion, Candakya, in order to test the character of some heretic teachers invited them together to expound their doctrines. They were conducted to a part of the palace facing the queen's apartments. He had the floor near the apartments, strewn with a fine dust. The teachers went near those rooms to look at the women through the windows. Traces of their feet left on the floor revealed their character. A special class of officers, called cauroddharta, cauroddharanika, corarajjuka, etc., were engaged to catch thieves. (16) Narada (17) lays down that the Candālas, executioners and similar persons and men of the habit of roaming at night shall search for thieves in the villages and people living outside the inhabited places shall search for the criminals outside. Kautilya (18) prescribes the use of lubdhakas and hunters followed by packs of hounds to detect thieves.

Various ways have been suggested in the ⁴law-books for detecting and catching thieves. According to Manu, (19) with the help of spies, preferably former or old thieves, who should associate with thieves and robbers pretending to follow the occupation of those criminals, the king should get the ^{^ latter} ~~other~~ arrested. Manu further adds that 'on the pretexts of dainty food and gratifications or of seeing some wise priest (who could ensure their success) or on pretence of feats of strength, mock battles and the like, let

the spies procure an assembly of those men'.⁽²⁰⁾ According to Nārada,⁽²¹⁾ by giving them money and costly presents, by causing them to attend at public shows and festivals and by pretending intended robberies, the clever spies shall cause the thieves to assemble together. According to Manu and Nārada,⁽²²⁾ those thieves, who, being suspicious of the motives of the old thieves, do not come out, are to be seized and slain (if found guilty) together with their friends and relatives (if found to be their confederates).

Such circumstantial evidence, as body covered with wounds, possession of stolen property, implements of robbery and foot-marks,^{^ w ~} regarded as sure proof of guilt.⁽²³⁾ A man who is found to possess stolen goods soon after a theft, is regarded as a thief by modern Indian law.⁽²⁴⁾ Thousand and one cases may be cited from literature and folk-tales regarding the arrest and indiscriminate impalement of persons, innocent or guilty for the sole reason of the discovery of stolen goods in their possession.⁽²⁵⁾ The case of Māṇḍavya, the saint, is an instance in point.⁽²⁶⁾ According to Nārada, 'The possession of stolen goods may be inferred from a luxurious mode of life. Suspicion arises where a man is seen in bad company or indulges in extravagance.'⁽²⁷⁾

Regarding foot-marks, Nārada prescribes that 'when two persons have gone the same road, the offence as a rule, shall be imputed to him who stood charged with other crimes before, or who associates with suspicious characters'.⁽²⁸⁾ According to Yājñavalkya,⁽²⁹⁾ the following persons may be arrested on the suspicion

of theft : 1) men who are found to possess stolen goods (loptre), 2) whose foot-marks have been seen on the spot of theft, 3) who had been formerly found guilty of a crime, and 4) whose residence is not known. Yājñavalkya further says that on suspicion, the policemen may also arrest ^{^ a} men who give ^a false report about ^{^ is} their ^{hi} caste, name and family, who [^] are addicted to gambling, drinking and women, whose face turns pale and voice alters (when the policemen ask ^{^ him} ~~them~~ questions, who inquire [^] about others' wealth and houses, who move [^] about in disguises, who spend [^] lavishly though having no ostensible means of income and who sell [^] spoilt goods. Kautilya states that 'agents operating along roads and away from roads should arrest, outside the city and inside, in temples, holy places, forests and cremation grounds, a person with a wound, one with harmful tools, one hiding behind heavy load, one agitated, one in a long sleep, one tired after a journey or a stranger. Similarly inside the city, they should make a search in deserted places, workshops, ale-houses, cooked-rice houses, cooked-meat houses, gambling dens, and quarters of heretics.' (30) Crossing of fords and rivers without pass at usual or unusual time and place was regarded as suspicious. People moving in the vicinity of royal buildings during the first, middlemost or last yāme of the ^u carfew period at night were to be considered as suspects.

Those arrested in suspicious places were to be examined thoroughly. Persons moving out in disguise or stirring out though forbidden as well as those who move with clubs and other weapons

during the nights of free movement might be arrested as suspects. According to Kautilya, the city-superintendent should engage spies to search for suspicious persons in the interior of deserted houses, in the workshops, in the workshops, houses of vintners, sellers of cooked rice and flesh, and gambling houses and in the abode of heretics. Kautilya also requires that spies stationed in wine shops should ascertain the normal and occasional expenditure of customers and get information about strangers. They should also know the value of the dress, ornaments and gold of the drunkards. 'In order to find out things [that are] misappropriated after being received in trust or as a deposit, or a pledge and [that are] acquired in undesirable ways, he [the controller of spirituous liquors] should, on finding an article or money not belonging to a person, get the person offering it arrested in another place under some (other) pretext, also the person who spends lavishly and the person who spends without having a source of income.' Wine-traders should find out the intentions of strangers and natives who seem to be Aryas when they lie intoxicated and asleep, through beautiful female slaves.

Kautilya prescribes the employment of spies to detect embezzlement of revenue by royal servants. Private informers (sucaks) are to be encouraged to supply information about embezzlement.

According to Kautilya, the Superintendent of Shipping 'should cause to be arrested a person carrying off the wife, the

the daughter or the property of another, a person who is frightened or agitated, a person hiding behind a heavy load, a person concealing [his face] by a load on the head containing heavy goods, a wandering monk who has just put on the marks of who is without the marks, a person whose illness cannot be seen, a person showing a changed appearance because of fear, a person secretly carrying goods of high value; letters, weapons or means of fire, a person with poison in hand, a person who has travelled a long distance and a person without a sealed pass.' Knowing fully well thieves' and robbers' belief in charms and spells, Kautilya advises the king to engage special spies who in the guise of prophets should pretend to possess supernatural powers of charms and incantations^a capable of causing rapid speed in running, making one invisible and opening closed doors. They should associate with young criminals information about whom has already been secured by ordinary spies, and instigate them to steal. To prove their powers, the spies should ask those criminals to accompany them to a certain village but on the plea of some difficulties will go to a nearby hamlet where their own men are stationed. The latter should pretend as wakeful watchmen unable to see the criminals while they enter into houses as they are rendered invisible by the charms of the prophets. Some guards will feign to be asleep seemingly under a sleep-charm cast by the criminals. Then the criminals should be asked to move the beds of the watchmen. When the criminals thus verify the powers of the charms and spells of the spies, they should be persuaded to learn those spells and test

their newly acquired powers by plundering such houses as contain goods or money with identification marks on them. Thus they can be easily caught red-handed.

These people may also be arrested while purchasing, selling, mortgaging those marked articles or when they lie intoxicated by drinking medicinal drinks served by the spies. From these youths should be gathered information regarding the past activities of theirs and their accomplices. Spies in the guise of old and notorious thieves may follow the same procedure to arrest those criminals. Then the Collector-general will exhibit those criminals and proclaim to the public that the king, by his supernatural power of catching robbers, has caused their arrest and will do so again if necessary and therefore the people should prevent their kinsmen from committing such crimes. Having caught with the help of spies even the thieves who have stolen articles of small value, the Collector-general should proclaim to the public that even such petty thefts are detected by the omniscient power of the king. The object of these exhibitions and proclamations are to strike terror into the hearts of the criminals. Spies in the guise of old and notorious robbers, herdsmen, hunters or keepers of hounds may associate with forest-robbers and wild tribes and incite them to attack villages and caravans possessing counterfeit gold and other articles. During the hubbub caused by the robbers' attack, they should be killed by armed men kept concealed by the spies. The spies may take their lives by serving them poisoned food or

catch hold of them when they sleep tired by constant movement with heavy loads of loot on their shoulders or lie intoxicated due to the drinking of medicinal beverage at feasts. These criminals too should be exhibited in public in the manner discussed above.

Thieves may also be arrested on the grounds of suspicion, possibility of possessing stolen articles and the marks of criminality i.e., signs of house-breaking, etc. ⁽³¹⁾ According to Kautilya, ⁽³²⁾ the following persons may be arrested on suspicion :

- (1) Persons whose families are subsisting on dwindling inheritance and whose calling too is not flourishing,
- (2) Whose income is insignificant,
- (3) Who deceive others by changing their residence, caste, family, names and occupations frequently or by falsely declaring their residence, etc.,
- (4) Who conceal their professions,
- (5) Who are excessively fond of meat, wine, condiments and other eatables, perfumes, garlands, fine dress and ornaments,
- (6) Who squander away money,
- (7) Who always associate with prostitutes, gamblers and drunkards,
- (8) Who frequently go abroad,
- (9) Whose places of residence or destination of journey are not known to anybody,
- (10) Who roam in solitary forests and mountain tracts in afternoon,

- (11) Who hold secret meetings in places unknown to others or in places inhabited by the rich (whose houses can be easily raided),
- (12) who try to get their fresh wounds or boils cured secretly,
- (13) Who always remain in doom,
- (14) Who turn back on seeing people approaching him, ~~him~~, ~~them~~,
- (15) Who are very much attached to women,
- (16) Who are always keen to know about the inmates of others' families, wives, goods and houses,
- (17) Who associate with men of condemnable bearing or work or who are acquainted with weapons and implements needed for condemnable work,
- (18) Who loiter at midnight stealthily behind walls or under shades,
- (19) Who sale precious articles after changing their original form in unusual times or places,
- (20) Who are known for hostile attitude towards others,
- (21) Whose caste and calling are low,
- (22) Who always conceal their true identity (or keep up false appearance),
- (23) Who though not monks have the marks of a monk or who inspite of being monks follow ^adifferent mode of life,
- (24) who had formerly committed an offence,
- (25) Who have earned infamy for their condemnable work,
- (26) Who go away stealthily on seeing the nagarika-mahamatra (city Police chief),

- even when*
- (27) Who pant in fear [^]while sitting alone⁺,
(28) Who show undue agitation or palpitation, ~~of heart~~ [^]are⁺,
(29) Whose face [^]is pale and dry while the voice [^]is *are*⁺
indistinct and stammering⁺,
(30) Who always associate with armed men,
(31) Who keep threatening appearance.

These and other persons may be regarded as murderers, robbers, stealers of treasure-trove or deposits or knaves subsisting by foul means secretly employed.

Kautilya then describes how criminals may be seized on circumstantial evidence. If it is seen that in the house burgled by thieves, there are marks of their entrance or exit through the backdoor (or entrance or exit effected through other than doors), if the door has been pierced with a hole or uprooted (sandhinā bijena vā vedham), lattice windows or eaves of an upper chamber have been broken, holes have been made in the house-wall for climbing up or descending, [^]where ~~some~~ [^]some of the ground has been dug up in order to bury or steal objects secretly (information about which can be gathered only from internal sources) and if the cutting, the rubbish, the breaking and the tools are on the inside, it should be concluded that the theft has been committed by one inside the house. A reverse case (i.e. if the evidences are of a reverse nature) will indicate the concern of external agencies. The blending of these two kinds of circumstances will indicate that both inmates and outsiders are involved in the crime. If internal

agencies are suspected in a case of theft or adultery, the following inmates of a house should be suspected :

Any person who is addicted to dissipation, the helper of a cruel person or who associates with a thief for the latter's benefit (or who possesses instruments used in stealing), a woman coming of a poor family or connected with an outsider or a servant of similar character, any person who is found sleeping for long, any man who looks fatigued due to want of sleep, a person who is tired or sad, any person who looks alarmed, whose face is pale and dry and voice stammering and indistinct, a restless man, any person who is raving too much, anybody whose body bears the marks of scaling heights, any person whose body has been scratched, abraded and the dress torn, any one whose hands and feet bear scars, any person whose hair and nails are dusty or freshly cut or broken, a person who has just bathed and daubed his body with sandalpaste, a person who has just washed his hands and feet, ^{^ and} anybody whose foot-marks can be identified with those found near the house during ingress or egress, If the fragments of garlands, sandals or dress ^{^ of} or a person can be identified with those found in or near the house during entrance or exit, ^{^ and} if the smell of a man's sweat or drink can be ascertained from the fragments of his dress found in or near the house, *Such persons shall also be suspected.*

Keuṭilya also prescribes that the commissioner (pradeśtr) with the assistance of the gopas and sthānikas shall take steps to find out external thieves while the officer in charge of the

city (nagaraka) shall under the above circumstances detect internal thieves inside fortified towns.

Regarding the seizure of criminals on the strength of the discovery of stolen articles in their possession, Kautilya says that information regarding lost or stolen articles has to be given by the police to the merchants who trade in similar articles. Traders who even after receiving information conceal such articles shall be regarded as abettors. No person will be allowed to mortgage or purchase any old or second-hand article without informing the superintendent of commerce. The said officer being informed of the sale or mortgage of old articles, shall ask the owner how he got it. If his statement about the antecedent circumstances of the article is found to be true, he will be free. In the Samarāṅgadharmasūtra, (33) we have a tale showing the method of investigation to detect stolen articles which is almost similar to that prescribed by Kautilya. One Yajñadeva burgled the house of a rich merchant named Candana and deposited the loot with Cakradeva whom he called friend but really wanted to destroy by implicating him in a theft case. He requested his friend to keep the articles in his custody as he feared their confiscation by his father who had become angry with him. Now Candana informed the king of the burglary in his house and the king told him to submit a list of stolen articles. Then the king's men proclaimed by beat of drum that the house of one Candana had been burgled and such and such articles had been stolen, so that all persons

^{^ had} who ~~have~~ somehow got these goods or part of them or if those things ^{^ had} ~~have~~ been offered for sale to them, must inform the king; otherwise they would be severely punished. When no information in this regard was available even after five days, Yajñadeva told the king that he had learnt from the servants of Cakradeva that the latter had burgled Candana's house and kept the stolen articles concealed in his house. The King did not believe that a man of high family like Cakradeva could commit such a crime, but as Yajñadeva insisted on his taking action against him, he had to refer the matter to the court and ordered the law-officers to search Cakradeva's house along with the elders of the city and the store-keeper of Candana. Then the officers searched Cakradeva's house and discovered a box with Candana's name engreved on it which was recognized by the storekeeper as his master's. Soon the other articles were also discovered and identified. On being asked how he came by them, Cakradeva, determined not to betray his friend replied that the articles were his but when, he was again questioned to explain why the articles bore the name of Candana on them, he said that these might have somehow been exchanged. The city-officers brought Cakradeva before the king who asked him to disclose the truth as he could not regard him as guilty of the crime. Cakradeva wept, but did not answer. At last the king, not fully convinced of his guilt, banished him from his kingdom.

Keutilya (34) further says that if the account of the person who is in possession of an article tallies with the version

of the man who says that he has lost it, he who is found to have been enjoying it for a long time and whose life is pure should get it. A person who says that he has received an article alleged to have been lost by another as a gift from a third person, must prove his statement by producing witnesses, 'not only those who gave and caused to give the article to him, but also those who, being mediators, custodians, bearers or witnesses arranged for the transfer of the article'. 'When a person is found possessed of an article which he alleges to have been thrown out, lost, or forgotten by a third person, he shall prove his innocence by adducing evidence as to the time, place and circumstances of finding the article.' Otherwise he shall restore the article, besides paying a fine equal to its value; or he may be punished as a thief.

Kautilya⁽³⁵⁾ describes the method of enquiry about a murder which may sometimes be committed by thieves for money. The neighbouring people or the relatives of the deceased shall be questioned in the following manner : who called the victim ? who was with him ? who accompanied him during the journey ? who brought him to the scene of his death ? persons who happened to be present on the spot shall be severally questioned thus : By whom was the slain man brought there ? Did they see any armed person roaming there manifesting signs of perturbed appearance ? If they offer any clue, this should be further investigated. The personal belongings of the deceased such as travelling requisites, dress, jewels, or other things found in his body shall be thoroughly examined. Persons who supplied them or are in any way

concerned with them shall be asked about the deceased's associates, home, cause of journey, profession and his other calls.

Kautilya⁽³⁶⁾ further says that three days after the commission of the crime, no suspect shall be apprehended as there is no scope for questioning unless strong evidence exists for levelling the charge against him.

The spies and policemen usually became very active when theft was committed in the king's palace or when some of the king's articles were lost or stolen. Generally a thorough and vigorous search was made. In a tale in the Samarāṅgacakāḥ,⁽³⁷⁾ we find that when a king's treasury was burgled, all newcomers to the city, beggars, ascetics and suspicious-looking people were arrested and brought before a minister who closely examined them. Sometimes, to detect thieves, the police had all the doors of the houses, gates and alleys shut and guarded and examined all the newcomers. They would also scour all the alleys, by-paths and roads in search of thieves and robbers. The favourite cry of the police seems to be this : 'Shut all the gates, cut off the outlets ! Hunt the thief.'⁽³⁸⁾

In the Mṛcchakatika, we find a vivid picture of the police in action to arrest a jail-breaker. Vireka, a police officer orders his men to guard a road: 'Here! you stand at the east gate of the main street, you at the west, you at the south, you at the north. I'll climb up the broken wall here with Chāndanaka and take a look.'⁽³⁹⁾

Chāndanaka, another police officer asks his men to search the gardens, gambling saloons, the town and the street,

the market, the hamlet and whatever looks suspicious. They also search a covered bullock-cart that moves in the middle of the road.

The kings often stationed policemen in plain clothes all round the city to arrest thieves.⁽⁴⁰⁾ On getting complaints from the citizens regarding the depredations of thieves and robbers, the kings usually gave orders to the city-watch to post police-bands here and there to arrest the criminals.⁽⁴¹⁾ In the Jātaka tales,⁽⁴²⁾ in cases of theft, everybody, high or low was thoroughly searched to find out the loot. Even the queens were not spared.

Often the kings themselves went out at night in disguise just for adventure or to see with their own eyes the condition of his people or to detect notorious thieves whom the police failed to capture. They often encountered thieves, followed them to their underground caves and had them arrested. Kings like Vikramāditya, Bhoja, Uditodaya and others had this engaging habit.⁽⁴³⁾ The king Vīraketu of Ayodhyā once went out armed and disguised at night to arrest a thief. As he was roaming about, he saw a man stealthily moving along the rampart. When the thief was asked about his whereabouts, he said that he was a thief. The thief, however, suspected some foul play and persuaded the king to accompany him to his cave in order to do away with him. But the king, having been warned by a female slave of the thief, managed to escape unhurt from the cave and returned that very night with a band of armed men and had the thief arrested.⁽⁴⁴⁾ The master-thief, Mūladeva, on his becoming the king of

Bennāyada, had to take steps to catch the notorious thief, Mandiya. He appointed a new chief of the guard but to no effect. Then he himself wore a dark robe, went out by night and waited near a gambling hall. When Mandiya asked his identity, Mūladeva introduced himself as a beggar. The thief, promising to make him wealthy, persuaded Mūladeva to follow him. Then the thief burgled the house of a rich man and loaded the booty upon the king who had to carry it to the thief's cave outside the city. There his sister was ready by the side of a well to push the newcomer, at a signal from her brother, into it at an opportune moment while pretending to wash his feet. She was, however, greatly impressed by the beautiful feet of Mūladeva and signalled him to flee away. Then she cried out that the man had fled and her brother immediately pursued him and cleft a Śiva-phellus taking it for Mūladeva behind which he remained concealed. The thief then returned to his cave. Mūladeva met him the next day in the market and asked for the hand of his sister. The thief had to agree and after the marriage, the king took money from him several times and when he had no money left, had him impaled upon a stake and restored all the stolen goods found in his cave to their owners. (45)

Many such stories are found in the Indian story literature. A King once came across a robber-chief who gave out, on being challenged by the former, that he was the son of Bhadrakālī, the tutelary goddess of the neighbourhood and was going his rounds about the town. The clever king at once offered him the post of the chief guard of his palace and asked him to follow him. The

The robber made a desperate attempt to get assistance from his followers by calling them in thieves' language; but those who came to his rescue were butchered and the thief was impaled. ⁽⁴⁶⁾ King Uttama, in order to recover a Brāhmana's wife who had been stolen by somebody without breaking open the door of his house at night, asked the Brāhmana about the persons whom he suspected, the probable place of his wife's confinement, her appearance, and her age, nature and habits. On his failure to detect the thief, the king consulted a sage who knew the past and future, regarding this case of theft and learnt from him the name and whereabouts of the thief. ⁽⁴⁷⁾ The wise king Prasenañjit, detected a thief in a very clever way. Once a Brāhmana buried his treasure under a small tree in a forest. On finding that somebody had stolen it, he decided to commit suicide in grief. Having heard this, the king persuaded him not to do that and promised him to restore the stolen treasure to him in no time. He then summoned all the doctors in the city and questioned them one by one in private regarding the patients recently treated by them and the medicines prescribed. One physician said that he had prescribed for a merchant nāgābalā ^{^(Wania Lagopodioides)} which was generally found in the forest. The king at once sent for the merchant who told him the name of the servant who had given him nāgābalā. The king ordered the servant to restore the treasure which he had found while digging at the foot of a tree for the medicine. The servant had to give back the treasure to the Brāhmana. ⁽⁴⁸⁾ A king arrested a thief, who defying all guards managed to meet the king's daughter who in

course of time gave birth to a son, by assembling all his subjects in an enclosure and asking the boy to garland his father which he did. (49) Another king, as referred to before, ordered his watchmen to keep guard over the corpse of a thief in order to arrest his associates who were expected to come there to remove it for performing funeral rites. The king of Purimatāla failing to capture a robber-chief, Abhaggasena, had him arrested by an artifice. He at first created the robber's confidence in him and then one day invited him to attend a festival. He entertained him lavishly and when the chief was busy in merry-making, arrested him. (50) Sometimes policemen got information regarding the possession of precious things by poor men from the latter's neighbours. (51)

Some stories refer to ministers who were expert thief-catchers. When the policemen failed to arrest Rauhineya, the king ordered Prince Abhayakumāra to capture him. The prince said to the chief of the Police, 'Equip a force consisting of the four departments and station it outside the city. After he has been frightened inside, he will take the lightning like jump and fall into the hands of the army, like a deer into a net.' His stratagem met with success. (52) Abhaya once detected Rauhineya in a Jaina temple where the latter came in the guise of a Jaina disciple. Finding that the disciple did not make a nisedhika nor did he perform the deasil around the assembly, Abhaya concluded that he must be the thief, Rauhineya who promised to see him everyday before taking meals. Abhaya said to him, 'I salute you, fellow-believer !' Rauhineya made him an obeisance accompanied by some worldly language

not used by the Jainas. From these signs Abhaya was certain that he was Rauhineya and had him arrested. Having been arrested by Abhaya, Rauhineya stoutly protested his innocence and the people defended his case because he was known for honesty, pioussness and munificence towards the poor. Abhaya turned down Rauhineya's proposal to face any ordeal to prove his innocence as he knew him to be immune to all kinds of ordeals. He decided to try a novel contrivance. He brought there an automet~~ion~~ in the shape of a beautiful ornamented lady called 'Thief-catcher'. Its limbs could be moved by pulling numerous cords. By pulling a cord, it could be made to strike a blow with a sword that was in its hand. Abhaya asked the thief to bow down before the automet~~ion~~ which would pronounce his name if he was really honest. As the thief refused to do obeisance to a non-Jaina deity obviously to impress the Jaina king and the assembled multitude, Abhaya quickly worshipped the automet~~ion~~, bathed it with a mixture of water and strong liquor and asked Rauhineya to drink that sacred liquid. As he was drinking it, the puppet, directed by a cord struck him hard on the head with the sword making him unconscious. Abhaya then removed him in that state to a beautifully decorated and richly perfumed seven-storied palace resembling the palace of the gods, its magnific^ence being heightened by charming men and women, singers and dancers. Rauhineya being clothed in a very rich apparel was laid on a coach covered with fine cloth and strewn with flowers. Abhaya secretly stationed two merchants of the city near Rauhineya to listen to what he said and bade them return to him quickly. When the thief

got back his consciousness, four beautiful women stationed at the four corners of his couch introduced themselves as his wives and told him about his becoming a god and his promotion to the fifth heaven to enjoy all the heavenly pleasures there. ^{^ When they} ~~They then~~ told him that he was to narrate his activities during his life on earth, Rauhineya atonce sensed a foul play and by recounting a formidable list of his fictitious noble deeds went scot-free. (53)

A clever minister, Abhaya by name caught a mango-thief by a trick manifesting his deep knowledge in human psychology. He attended one night a concert of gamblers, adulterers, thieves and meat-eaters and told them the following story. A spinster, eager to have a husband was caught red-handed by the gardener when she was trying to steal some flowers from the king's garden to worship the God of love. He let her off on her promise to satisfy him after her wedding. After her marriage, when she, bedecked with ornaments, was on her way to keep her promise, some robbers and a hungry monster successively held her up and she had to promise to come to them after visiting the gardener first. Her regard for her word, however, induced the gardener to release her from her promise. Same was the case with the rest. Then Abhaya asked his listeners to say one by one whose sacrifice was the greatest. When the thief's turn came, he eulogised the restraint shown by the robbers. Abhaya atonce concluded that he was the thief and had him apprehended. (54) The following story also testifies to a minister's skill in detecting thieves. One day the king of Varāṇasī went to his pleasure-garden with his

queen to sport in water. A female monkey stole the pearl necklace of the queen from the custody of a dozing slave-girl who on finding her deposit gone screamed that a man had run off with the necklace. At once the guards raised a hue and cry and began to search everybody there. Hearing this din and bustle inside the garden, a poor rustic who was outside the garden took to his heels out of fright only to be arrested by the king's men. In order to save his life from the cruel beating of the watchmen, he confessed that he had stolen the necklace. He was taken to the king as a prisoner. When the king asked whether he had taken the jewels, he confessed his guilt and when the king again asked where he had kept the jewels, he said that he was a poor man and never had anything valuable. It was the treasurer who made him to take that valuable necklace and he had given that to him. The treasurer said that he had handed it over to the chaplain who confessed that he had deposited it with the chief musician and the latter said in his turn that he had given it to a courtesan as a present. So all of them were imprisoned. Now this sensational story appeared to the Bodhisatta too absurd to be believed. He argued thus: The necklace was lost inside the garden, but the poor man was arrested outside the garden. As the gates were strongly guarded by the king's men, it was impossible for anybody to go outside or to come inside and escape from there. So the poor man who tried to run away could not be the culprit and he possibly named the treasurer only to save himself by shifting the charge upon that high

official. The treasurer's motive was to free himself by implicating a high-up like the chaplain and the latter named the Chief musician because he thought that the musician would help him to pass his time merrily in the hellish prison. The chief musician implicated the courtesan to have her sweet company in the jail. Being convinced of the correctness of his logic, the minister took from the king the charge of those prisoners in his own hands, lodged them in a single room and bade his servants overhear what they said and report everything to him. When the treasurer asked the poor man why he falsely implicated him in the theft case, the rustic replied as the minister thought he would. Similar was the case with the other prisoners. Highly satisfied with his discovery, the minister then thought that the theft must have been committed by one of the monkeys who abounded the place or more probably by a female monkey as craving for adornment and jewellery was natural with the fair sex. By a clever trick he recovered the necklace from a she-monkey. (55)

Devendra⁽⁵⁶⁾ elaborately describes how prince Agaladatta caught thieves whom none could apprehend. He promised to the king to arrest[^] the thief within seven days. As thieves[^] concealed by the dresses and signs of various professions generally frequented the houses of courtesans, taprooms, gambling houses, stalls of bakers, sheds in the parks where one could get drinking water, huts of ascetics, empty temples, squares and markets, he began to watch these haunts of criminals himself and by means of spies. He sat one day under a mango-tree

outside the city wearing ragged and dirty garments. After some time, a religious mendicant muttering something came there and sat down. On seeing his fierce appearance, Agaledatta concluded that he must be the thief he was looking for. On the thief's query, he said that having wasted his property, he had wandered from Ujjeni. The thief promised to make him wealthy if he obeyed him. At night, he accompanied by Agaledatta entered the city, burgled a richman's house and took away baskets full of wares which he loaded upon Agaledatta and some coolies and halted at a dilapidated park to take rest. All lay down to sleep but Agaledatta, being distrustful of the thief, stealthily slipped off and hid himself behind a tree. So^o in the thief got up, killed the coolies and began to search for Agaledatta who by a smart blow of his sword wounded him mortally. But the wily thief even in his death-agony plotted Agaledatta's murder by requesting him to go to his underground cave at the back of a temple in the cemetery with his sword and become the master of his sister and of the huge wealth there. Agaledatta was warmly received by the thief's sister who comprehending her brother's plan requested him to sleep in a couch. But, Agaledatta slipped away from it and hid himself. The thief's sister rolled a huge stone from above upon the couch smashing it completely. As she was giggling in ^mwirth, Agaledatta caught her by the hair and brought her to the king.

Taking a rascally ascetic for a very honest man, a squire buried a hundred pieces of gold near the former's hermitage in a forest to save them from robbers and requested him to

keep watch over his buried treasure. Afterwards the ascetic took out the gold and buried it by the wayside. Sometime after he went to take leave of the squire as he decided to leave the hermitage, long stay in one place being contrary to the custom of the hermits. After bidding him farewell, he went a little distance and returned to the squire to give back to him a straw that stuck to his matted hair from the latter's roof as ascetics were not to take anything that was not bestowed upon them by others. Though the squire was overjoyed at this wonderful honesty, the Bodhisatta, a wiseman who was there watching everything, became suspicious and asked the squire whether he had deposited anything with the ascetic. When the squire replied in the affirmative, he advised him to see whether his gold was safe. As the squire did not find his money, he hotly chased the ascetic, captured him and started belabouring him till he confessed his guilt.

In another story, Ananda, by a clever stratagem^a, forced a thief to give back a jewel that he had stolen from the king's turban and thus saved a host of people from being troubled by the king's men. When all the king's watchmen and detectives failed to recover the lost jewel, Ananda with the permission of the king tried a novel method of detection called 'wisp-giving'. He requested the king to assemble all suspects and to give each of them privately a wisp of straw or a lump of clay telling him to put it in a particular place next day in the morning. This would give a scope to the thief to return

the jewel hidden in the straw ^{^ or} of clay. If the jewel was not got back in the first day, the same process would be repeated on the second and third days. But as the jewel was not recovered even after three days, Ananda made a new plan. He requested the king to put a large water-pot full to the brim behind a screen in a retired corner of the courtyard and to order all persons who used to frequent the precincts to put off their outer garments and wash their hands one by one behind the screen, and then return. This was done. Now the thief realised that the resourceful Ananda had become very serious about the matter and he must not give up his attempts if he failed this time too. So he dropped the jewel into the pot and went away. The jewel was found when the pot was emptied.

No less interesting is the new way of detecting a thief by Senaka, another wise man. A Brāhmaṇa told his wife about his treasure kept hidden under a tree. After a few days, he did not find it there. Being reported of this, Senaka asked the Brāhmaṇa whether he and his wife had a Brāhmaṇa friend each. When the Brāhmaṇa nodded in the affirmative, Senaka told him to invite and entertain the first day fourteen Brāhmanas. ^{S were to be invited by the} ~~seven of them husbands, and~~ ^{Brāhmaṇa himself and the rest ^ by his wife.} ~~seven wives.~~ From next day onwards they were to take one less each everyday. On the seventh day they were to invite only one Brāhmaṇa each. Senaka also asked the Brāhmaṇa to notice whether the Brāhmaṇa invited by his wife on the seventh day had also come every time and, if that was the

fact, he was to report to him. When the Brahmana named his wife's friend who came on all the seven days, Senaka had that man brought before him and demanded of him the stolen treasure of the Brahmana about which the accused, at first pleaded ignorance. But when Senaka told him that he must force him to restore the treasure, the man took fright and confessed his guilt.

The Bodhisatta, once born of a Brahmana father and a yakkha (yakṣa) mother, got from the latter a charm which enabled him even after the lapse of twelve years to follow in the footsteps of those that had gone by a road. He proved his power by recovering some jewels put in a tank by the king of Varāṇasī, who deliberately followed a tortuous path and even used a ladder to scale a wall to reach the tank with a view to setting his power at naught.

In a very interesting story, the Bodhisatta's clever wife succeeded in freeing her husband from the false charge of stealing the king's valuables and hooked the real culprits by a stratagem. Four rivals of the Bodhisatta stole the king's crest, necklace, woolen robe and golden slipper, ^{with} a view to accusing the Bodhisatta for stealing them and thereby making a breach between him and the king.

One of the conspirators, Senaka, put the king's crest in a pot of dates and bade a slave-girl give ^{the} pot and all to the people in the Bodhisatta's house and to none else. As the girl was hawking the dates, the lady named Amara, wife of the Bodhisatta noticed her but smelt some foul play as the

girl kept on hawking near her ^{^ house} only and went nowhere else. She then made a sign to her servants not to attend her call and asked the girl to come near her as she would buy some dates. When the girl approached her, she called her servants. As they did not turn up, she sent the slave-girl to fetch them. When she went away, Amara dived her hand into the heap of dates and found the jewel concealed there. When the girl came back, she learnt from her, her name and the names of her mother and her master. When she wanted to buy some dates, the girl told her to take all the dates and the pot as well, free of cost. Amara accepted the offer and sent her away. She then wrote down on a leaf that Senaka sent a jewel from the king's crest to the Bodhisatta as a present by the hand of such and such a slave-girl. Another rival of the Bodhisatta, Pukkusa, sent the golden necklace, concealed in a casket of jasmine flowers, and Kāvinda sent the king's robe in a basket of vegetables while Devinda sent the golden slipper in a bundle of straw. When the king did not find those objects, they told him that these were in the house of that common man's son, i.e. the Bodhisatta. The king sent men to arrest the Bodhisatta on the charge of theft; but he eluded the arrest by fleeing. When he was gone, each of the four men sent a letter to Amara without informing the other accomplices, urging her to entertain him in private. Amara took all the letters and wrote to each to come at different hours of night and had their heads clean shaven and ^otormented them in various ways. After wrapping them up in rolls of matting, she

asked the favour of the king's granting her an audience which the latter sanctioned readily. Taking with her the four mischievous fellows in their unenviable conditions as well as the four valuables of the king, she went to the king and declared that her husband was not the thief, the real thieves were in her custody. She then showed the men to the king as well as her written accounts about their sending of the four royal articles to her. This decided the case in favour of her husband. (57)

In some cases, sham astrologers⁽⁵⁸⁾ or spies in the guise of ascetics posed as being capable of finding out lost or stolen articles and hidden treasures. (58)

We have a very interesting tale⁽⁵⁹⁾ of an alleged thief acting as a detective to free himself from the accusation which is, according to D.C. Sircar, 'one of the earliest detective tales in the literature of the world'.⁽⁶⁰⁾ While Kṛṣṇa Vāsudeva was the President of the Yādava republic of Dvārakā, a chief named Satrajit had in his possession a priceless brilliant gem called Syamantaka. Though Kṛṣṇa was very much willing to have it, Satrajit gave it to his younger brother Prasena who fixed it in his necklace. One day Prasena went hunting and did not return. Satrajit and his friends firmly believed that he had certainly been kidnapped and murdered for the gem by Kṛṣṇa. As the people were aware of Kṛṣṇa's desire to possess the gem, they also held Kṛṣṇa responsible for the foul murder. Greatly mortified at the spread of this calumny against him, Kṛṣṇa determined to solve the mystery of Prasena's death. He entered the forest by

following the hoof-marks of Prasena's horse. Soon he found the ^umangled body of Prasena near which the foot-marks of a lion were clearly visible. A thorough search of the deceased's body was made but the gem was not found. The people now believed that Prasena was killed by a lion. Then following the foot-marks of the lion, Kṛṣṇa found it killed at some distance by a bear as the latter's foot-marks were seen on the ground. He then alone followed the bear's track and entered his cave where he found that a nurse was trying to soothe a crying child with a brilliant gem. She was telling the child that the Syamantake gem was secured by its father Jāmbavat by killing the lion that killed Prasena. The mystery having been solved, Kṛṣṇa tried to snatch the gem away from the boy; but the nurse's cry brought the bear there and at once a fight ensued between Kṛṣṇa and Jāmbavat in which the latter was ultimately defeated. Jāmbavat then gave his daughter Jāmbavatī in marriage to Kṛṣṇa and the gem as the dowry. Kṛṣṇa coming back to his place told the whole story to Satrajit in gratitude, gave his daughter in marriage to Kṛṣṇa. Now a frustrated suitor of Satyabhāmā, Satadhanvan stole the gem by killing Satrajit. Both Kṛṣṇa and his elder brother, Balabhadra followed him and ultimately Kṛṣṇa went ahead of his brother and killed Satadhanvan. But he did not find the gem as Satadhanvan had already deposited it with another man named Akūra. Balabhadra, however, refused to believe that Kṛṣṇa did not find the gem in Satadhanvan's body and bluntly accused him of theft. This caused a separation between the

brothers. Now some events led Kṛṣṇa to think that the gem was probably in the possession of Akrūra as the latter was spending lavishly beyond his means, on sacrifices which only the possession of the gold-producing gem could make possible. Again when Akrūra left Dvārakā for sometime, unprecedented drought, epidemic, etc., troubled that place which were unheard of during Akrūra's stay there. So the undisturbed condition of Dvārakā could be ascribed to the gem. When Akrūra came back, normalcy returned to Dvārakā in no time. This convinced Kṛṣṇa of Akrūra's possession of the gem. One day he summoned an assembly of the Yadu people and there suddenly thanked Akrūra for rendering invaluable service to the people by possessing the Syamantaka gem. Akrūra, taken aback had to show the gem to Kṛṣṇa. Thus Kṛṣṇa washed him clean in the presence of his people.

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CHAPTER X,

Police System

Our knowledge about ancient Indian Police-system is extremely meagre. We have only a few words meaning constables or police-officers, some accounts of their functions and responsibilities and also a few glimpses of their character and temperament. According to a modern author, in pre-Maurya India, 'the collective responsibility of the people was so great that there was no necessity of having a separate police force for the maintenance of peace.'⁽¹⁾ This seems to be an exaggeration. Though people were held responsible for thefts, etc., committed in their villages, the kings had also to engage police and detectives to protect the subjects from thieves and robbers. It is doubtful whether there was an organised police-system in the Vedic age. Probably the people themselves had to grapple with the criminals. But the possibility of the employment of some spies to detect thieves and others and a few police officers to apprehend them cannot be altogether ruled out. In the Vedic literature, we find the following words meaning policemen :

- 1) Jiva-grbh,⁽²⁾ a police-officer.
- 2) Pratyenas,⁽³⁾ a police-officer.
- 3) Ugra,⁽⁴⁾ 'a man in authority' or just a police man.

According to Kane,⁽⁵⁾ he was a thief-catcher.

In the post-Vedic ages, we find a somewhat larger list. But one thing should be noted. In ancient India, many officers had police as well as non-police duty. Words denoting typical police officers or policeman are not many :

- 1) Āhindika,⁽⁶⁾ who prevented 'strangers from trespassing on places where offenders were kept imprisoned'.
- 2) Antapāla,⁽⁷⁾ boundary guard responsible for finding out and restoring whatever was lost or stolen within his jurisdiction.
- 3) Āraksādhikṛta,⁽⁸⁾ police-officer or 'a magistrate looking after the watch over villages or towns.'
- 4) Āraksaka,⁽⁹⁾ police.
- 5) Āraksika (Prākṛt Ārakhiya),⁽¹⁰⁾ a police officer.
- 6) Āraksikanāyaka,⁽¹¹⁾ police captain.
- 7) Āsedhabhēṅgādhikṛta,⁽¹²⁾ who prevented flight from prison' or legal restraint.
- 8) Ātaviraksika,⁽¹³⁾ forest-guards, either official or non-official.
- 9) Avācārakamanussa,⁽¹⁴⁾ policeman.
- 10) Balapati,⁽¹⁵⁾ captain of policemen.
- 11) Bandhanēgārādhyakṣa,⁽¹⁶⁾ jail superintendent.
- 12) Bhata, Bhatta,⁽¹⁷⁾ Bhata-menusya,⁽¹⁸⁾ Paik or constable.
- 13) Brhad-vājika,⁽¹⁹⁾ probably a police-officer.
- 14) Cārakapāla,⁽²⁰⁾ jailor.
- 15) Cāta, Catta,⁽²¹⁾ leader of a group of bhatas or constables.
Generally they were not allowed to enter into rent-free estates. But often they were allowed such states for catching thieves, robbers and rebels.
- 16) Cauragrāha,⁽²²⁾ thief-catcher.

- 17) Cauroddharanika, Cor-oddharanika, ⁽²³⁾ thief-catcher or exterminator of thieves or a police-officer responsible for collecting fines for theft or protection-tax. According to U. W. Ghoshal, ⁽²⁴⁾ Cauroddharana means a tax levied upon villages for protection against thieves. This word may also indicate an officer who was in charge of the recovery of stolen property. ⁽²⁵⁾
- 18) Cauroddhartā, Coroddhartā, ⁽²⁶⁾ same as cauroddharanika, etc.
- 19) Chātra, ⁽²⁷⁾ same as Cāta.
- 20) Corarajjuke, ⁽²⁸⁾ police-officer who used to secure robbers with ropes. He had to 'make good the loss of merchandise by theft between two villages or lands that are not pasture lands.' Corarajju ⁽²⁹⁾ also meant a protection-tax forming a source of king's revenue.
- 21) Dāṇḍabhogika, ⁽³⁰⁾ petty police-officer.
- 22) Dāṇḍadhikārin, ⁽³¹⁾ superintendent of police.
- 23) Dāṇḍāyaka, ⁽³²⁾ prefect of police; also a military officer.
- 24) Dāṇḍapāṇika, ⁽³³⁾ police-officer.
- 25) Dāṇḍapāṇika, ⁽³⁴⁾ a petty police-officer.
- 26) Dāṇḍapāsake, ⁽³⁵⁾ a petty police-officer.
- 27) Dāṇḍapāsike, ⁽³⁶⁾ a petty police-officer, a village watchman.

According to Altekar, this word denotes a carrier of nooses to catch the thieves. Kane holds that this word means an officer who was in charge of punishment, i.e. criminal justice. But according to some, this officer was the District Superintendent of Police. Seals of such police-officers bear the emblem of a standing policeman with a staff in his hand.

(contd.)

According to D.C.Sircar, the Dandapāsika was probably the leader of a group of Dāndikas.

- 28) Dandapāsika, ⁽³⁷⁾ same as Dandapāsika.
- 29) Dandavāhin, ⁽³⁸⁾ a police-captain.
- 30) Dandavāsika, ⁽³⁹⁾ same as Dandapāsika.
- 31) Dāndika, ⁽⁴⁰⁾ a police-officer.
- 32) Dāndika, ⁽⁴¹⁾ a police-officer.
- 33) Dandoddharanika, ⁽⁴²⁾ literally 'collector of fines'. As it is mentioned along with Dandapāsika, it may be same as Dāndika meaning a police officer.
- 34) Dandūasi, ⁽⁴³⁾ Oḍiyā for dandapāsika, village watchmen.
- 35) Dauhsādhāsādhānika, Duhsādhāsādhānika, Dussādhyaśādhaka, Dustasāhani, ⁽⁴⁴⁾ etc., 'police men who catch dangerous robbers whom it is difficult to secure.'
- 36) Dauhsādhika, ⁽⁴⁵⁾ same as above.
- 37) Dauvārika, ⁽⁴⁶⁾ police guard of the gate. Generally small bands of armed men were stationed at the four gates of the city 'to keep guard and give signal of danger, and also to look after the protection of the city and to maintain order in it by patrolling the streets at night and so on.'
- 38) Dikpāla, ⁽⁴⁷⁾ wardens or officers in charge of the borders of a kingdom. They had to pay the price of stolen articles if they could not recover them from thieves.
- 39) Dovārika, ⁽⁴⁸⁾ same as Dauvārika. The dovārika used to close the gate of the city at night by announcing thrice about its shutting.

- 40) Ekāṅga, ⁽⁴⁹⁾ an officer performing police duties. According to D.C.Sircar, this word probably means a police-officer 'belonging to a body organized in military fashion for collecting revenue or performing police duties.'
- 41) Gaulmika, Gumika, Gulmapati, ⁽⁵⁰⁾ officer in charge of a police-station (gulma).
- 42) Gopa, ⁽⁵¹⁾ a police-officer. Though the gopas worked both in the urban and rural areas, they were probably better known as the country police. In rural areas, a gopa was given the charge of five or ten villages. In cities, he had to look after ten or twenty or forty households.
- 43) Grahaka, ⁽⁵²⁾ a policeman.
- 44) Grāmanetr, Grāmika, Grāmani, Grāmekūṭa, etc., ⁽⁵³⁾ village headman. Being in charge of the village militia, the village headmen protected the villagers from thieves and robbers. From the Kharassara-Jātaka, ^(No. 79) it appears that the village-headman was the collector of revenue and the protector of a village. We have also references to the lords of ten, twenty, hundred, and one thousand villages.
- 45) Guptipālaka, ⁽⁵⁴⁾ a jailor.
- 46) Guptyādhikṛta, ⁽⁵⁵⁾ a jailor.
- 47) Hṛtāpragrāh-āmātya, ⁽⁵⁶⁾ 'Officer in charge of the recovery of stolen property'.
- 48) Kotāpāla, Kottāpāla (modern Kotwal), ⁽⁵⁷⁾ officer in charge of a fort. Probably he and his men assisted the police men or performed police functions.

- 49) Kotarakṣapāla,⁽⁵⁸⁾ a city police chief or chief of a fort and having police functions.
- 50) Kupitajana (Kuviyajana),⁽⁵⁹⁾ persons engaged to prevent theft. The word 'Kupita' literally means 'angry'.
- 51) Mahādauḥsādhāsādhaniḥ,⁽⁶⁰⁾ a police-officer.
- 52) Mānavake,⁽⁶¹⁾ experienced detective police recruited from criminal classes.
- 53) Nagarādhikṛte,⁽⁶²⁾ city prefect probably having police-functions.
- 54) Nagaraguttika,⁽⁶³⁾ city-governor who had to guard the city particularly during the night, arrest thieves and other criminals and to execute the sentences of punishment. He wore a garland of flowers round his neck as a badge of his office. He was armoured and armed with bow and other weapons. According to Fick, he was so powerful that a king jokingly called him 'King at night'. 'Judging from the insecurity which on account of the frequent mention of robbers and thieves in the Jātakas and other fold^K literature must have existed in the Indian cities in ancient times, he was no small personage.'
- 55) Nagaraguttiya, same as above.
- 56) Nāgaraka,⁽⁶⁴⁾ city-governor or chief of the city-police. Among his multifarious functions, he had to maintain peace and order in the city with the help of police-officers like the gopas, sthanikas, spies and constables. He imposed curfew during the night and kept a strict control over the policemen.

- 57) Nagarapati, ⁽⁶⁵⁾ city-prefect having police-functions.
- 58) Nagararakṣādhikṛta, ⁽⁶⁶⁾ chief of the city-guard.
- 59) Nagararakṣaka, ⁽⁶⁷⁾ chief of the city police.
- 60) Nagararakṣin, ⁽⁶⁸⁾ city police.
- 61) Nāgarika, ⁽⁶⁹⁾ chief of the city police. According to the Vaijayantī, he was the jail superintendent. Dandī uses this word in his Daśakumāracarita to denote both the city police and a jailor.
- 62) Nāgarikabala, ⁽⁷⁰⁾ city police. While patrolling the streets at night, they were armed with staffs, swords and torches.
- 63) Nāgarikapuruṣa, ⁽⁷¹⁾ city police.
- 64) Narapatibala, Narapatipurusa, Nrpatipurusa, Rajapurusa, Naistriṃśaka, Rajānucara, ⁽⁷²⁾ etc. are sometimes used to mean policemen.
- 65) Nayakavēdi, ⁽⁷³⁾ ^Natchmen stationed by the state or landlord to keep watch over the crops before or during harvest time.'
- 66) Pradīstr, ⁽⁷⁴⁾ ^e police-chief or chief of the Intelligence Department. F.W.Thomas identifies him with the Prādesika of Asokan inscriptions. According to him, the pradīstr was 'charged with executive duties of revenue collection and police.'
- 67) Pradhānadandadhāraka, ⁽⁷⁵⁾ chief constable.
- 68) Prasāstr, ⁽⁷⁶⁾ inspector-general of prisons.
- 69) Prthivīdandapālaka, ⁽⁷⁷⁾ chief of all the police of a kingdom.
- 70) Pratihāra, ⁽⁷⁸⁾ identified by some scholars with the head of the guards of the city gate.
- 71) Purarakṣa, ⁽⁷⁹⁾ city-guard.

- 72) Rājabhata, ⁽⁸⁰⁾ a policeman.
- 73) Rājasthāniya, ⁽⁸¹⁾ an 'officer who carries out the object of protecting the subjects.'
- 74) Raksādhikṛta, ⁽⁸²⁾ superintendent of police.
- 75) Raksāpurusa, ⁽⁸³⁾ guard.
- 76) Raksin, ⁽⁸⁴⁾ policeman.
- 77) Raksijana, ⁽⁸⁵⁾ guard.
- 78) Raksikabala, ⁽⁸⁶⁾ policemen.
- 79) Raksikapurusa, ⁽⁸⁷⁾ policeman.
- 80) Rāstriya, ⁽⁸⁸⁾ chief of police.
- 81) Sāhasādhipati, ⁽⁸⁹⁾ judicial or police officer.
- 82) Samāhartr, ⁽⁹⁰⁾ collector-general having police functions.
- 83) Senāpati, ⁽⁹¹⁾ captain of the police force.
- 84) Sthānādhipati, Sthānādhipati, Sthānāntarika, ⁽⁹²⁾ officer in charge of a police or military outpost (modern Thanedar).
- 85) Sthānādhipati, Sthānādhyaksa, Sthānapati, Sthānikadharmakartr, ⁽⁹³⁾ watchman or police officer.
- 86) Sthānapāla, ⁽⁹⁴⁾ Officer in charge of a police outpost.
- 87) Sthānika, ⁽⁹⁵⁾ According to D.C.Sircar, the sthānika was the officer in charge of a police outpost. According to Kaṭīlya, in rural areas he looked after $\frac{1}{4}$ th part of a janapada, and in the city, $\frac{1}{4}$ th of its area was put under his supervision.
- 88) Talāpraharin, Talāra or Kotwal, ⁽⁹⁶⁾ police-officer.
- 89) Talāra, Talavara, Nahātālavara, Talaraksa, Desa-talāra, ⁽⁹⁷⁾ kotwal or prefect of the city police or a night watchman. According to some talārī indicated a village watchman ^a.
- 90) Thakura, ⁽⁹⁸⁾ 'a member of the Koli caste of Gujarat, who generally tries to detect thieves, etc.'

- 91) Viniścayamatya, (99) an officer who combined police and judicial functions.
- 92) Vivītādhyakṣa, (100) an officer who had to arrest thieves with the help of his men and collect protection-taxes.
- 93) Volāpika, (101) forest-guard. According to D.C.Sircar, volāpika is an officer having the charge of collecting the tax called Volāpana or Vulavi. 'It is supposed that a Volāpaka or the men under him accompanied the merchants in their journey for the safety of their goods and the Volāpana tax was collected from the merchants for safeguarding their goods.'
- 94) Yama-ceti, (102) 'women-watchers of the night.'
An officer called the Vailabdhika (103) was probably the custodian of stolen property recovered from the thieves. Kautilya's superintendent of the city (104) also kept in safe custody whatever he came across as lost, forgotten or left behind by others.

Generally the police force would follow the foot-marks of the thief, shout after him, arrest him on suspicion or if stolen goods were found with him, (105) bind him (sometimes with peacock-bonds), (106) revile him, (107) and give him a sound thrashing. Here is a sample of the policemen's shout after a thief : 'Catch him, bind him, the thief is caught with the goods'. (108) In the Pārsvanātha Caritra, (109) we find policemen beating a man suspected to be a thief with fists, staffs, fettering him and leading him to the ^{place of} execution ground. Thieves or persons suspected to

be thieves were even beaten to death by the policemen. (110) Sometimes the arrested persons were subjected to so much beating by the police that they could not answer the queries of the judges. (111) Both the arms of a Brāhmana suspected to be a thief were bound behind him by the police and marks of whipping were seen on his limbs. (112) A Jaina work (113) gives a vivid description of the rough handling of thieves by the policemen. Having caught a robber who murdered a child and stole its ornaments, the policemen showered blows on him with fists, elbows, knees and sticks, thoroughly pounded him, bound his hands behind his back, suspended the child's ornaments from his neck, marched him on to the city squares, triangular enclosures and highroads beating him all the while with thong, cane and thin whip, sprinkled dust, ashes and filth upon his body and proclaimed to the citizens his crime of murdering the child and then put him into the prison where his feet were tied in a wooden frame (hadi-bandhana). He was deprived of food and drink and beaten with lashes thrice a day as a result of which he died in a few days. Māṇḍevya, a sage, though innocent admitted himself to be a thief in fear of torture. (114) On being arrested by the police on a charge of theft, an innocent rustic thought thus: 'If I deny the charge, I shall die with the beating I shall get from these ruffians. I'd better say I took it.' (115) Sometimes policemen executed persons suspected to be thieves without any formalities. (116) The police ^{men} mercilessly whipped the thieves and robbers while leading them to the ^{Place of} execution ~~ground~~. This will be described in a different context.

On receiving information regarding theft, the police were usually on the lookout for thieves and guarded the places generally known to be the haunts of criminals. (117) When a city was disturbed by the fear of thieves, the king ordered his policemen to patrol in every direction. (118) The streets of Ujjayinī were patrolled by police^{men} with various weapons in their hands. (119) These policemen were escorted by many brave high-born Rājputs. Policemen in plain clothes were also sometimes engaged. (120) In the Mrcchakatika, we find policemen patrolling streets during night. Cārudatta says in the Mrcchakatika :

'All creatures from the highway take their flight;
The watchmen pace their rounds before our sight;
To forestall treachery, is just and right,
For many sins find shelter in the night.' (121)

People were not allowed to move in the city streets without light. (122) Cārudatta had a lamp lighted before going out in the street at night to convince the policemen of his innocence. (123) As pointed out before, Apaharavarman met with policemen in the city streets at night. (124) Some night watchmen once arrested an ascetic with more money with him than a hermit should reasonably possess. (125) The city of Ghalop had a very efficient police system. (126) The town was divided into eight wards. Each ward used to select two Brāhmaṇa representatives and the sixteen aldermen were provided with arms by the feudatory chief Rāyapāla. The aldermen promised to find out whatever was lost on the way by means of Caukadika. According to D.C.Sircar, Caukadika is a variety of the Pāncāyat system.

It is also explained as a method of recovering stolen property. The Brāhmanas of the town were required to help the representatives of the wards in finding out the lost property.

The chief function of the city prefects and the town committees in Rajasthan, Kashmir and Ajeigadh in the kingdom of the Chandellas was to detect thieves, recover stolen goods and perform police duties of similar type. Indeed every city 'had its own police force with a battalion of constables headed by chief officers.' (127) The rural police system rested with the village headmen, the lords of groups of villages, Pradestr, gopas, sthānikas, corarajjukas, cauroddharanikas and others.

The forest-guards or the police who guarded the trade-routes and highways that passed through forests formed an important contingent of the police force. Robber-bands generally lay in wait for the tradesmen on the roadside or especially in forests through which the traders⁽¹²⁸⁾ often passed to avoid paying high road-taxes to the king's men. When the kings exacted small duties in lieu of protection guaranteed to them during their journey through the forests, they were very happy. The kings, usually posted guards or military outposts near the forests. Thus we find that the king of Varāṇasī posted a military outpost under an officer at the entrance to a forest near the frontier. The officer was to escort travellers through the forest for a certain consideration. (129) The forest-guard, Volāpika has already been referred to. Sometimes ordinary people often volunteered to serve as guards in lieu of wages. (130)
^ (No. 265)
The Khureppe Jataka gives us a story about the commendable valour

and unflinching devotion to duty of a forest-guard. He, the son of a forester, was the leader of a band of five hundred foresters and lived in a village at the entrance to a forest. He would hire himself out to escort travellers[^] and caravans through the forest. Once he agreed to escort^t a merchant for one thousand coins. In the middle of the forest, when five hundred robbers (a conventional number) attacked them, his men at once lay prone; but the chief of the forest-warders fought alone shouting, leaping, dealing blows and ultimately putting the robbers to flight. These forest-warders were called vanacaraya^K, atavirakkhika and they formed a guild under their leader[^] (arakkhika-jettaka). Even Brahmanas bearing swords, shields and axe stood in the roads of Vessas (business streets or caravan routes) and escorted the caravans through robber-infested roads.⁽¹³¹⁾

According to a modern writer, it appears from the relations of these "vanacarakas" with the king that they had some official position and probably corresponded to the Kautilan aranyacara.⁽¹³²⁾

According to the Life of Hiuen-Tsang by Shaman Hui-li,⁽¹³³⁾ Hiuen-Tsang, while passing through a forest in the Punjab, was attacked and plundered by a band of robbers numbering fifty. A Brahmana peasant who was ploughing a nearby field rescued the pilgrim by raising an alarm by blowing conch-shell and beating drum, which brought together his eighty armed men. According to D.C.Sircar,⁽¹³⁴⁾ the Brahmana and his armed men were undoubtedly forest-guards. The men of Kautilya's Vivitaḍhyakṣa⁽¹³⁵⁾ who guarded the forests also used to blow conch-shells and beat drums at the approach of thieves or enemies.

In those early ages when the state machinery was not very powerful, there was naturally dearth of sufficient number of policemen to deal with multifarious crimes. So often ordinary people themselves, as we have said earlier, had to arrest criminals, and sometimes they inflicted punishment⁽¹³⁶⁾ upon them without going to the law courts.⁽¹³⁶⁾ People could also arrest a person in the name of the king's officer. The Gāmaṇi-Canda Jātaka⁽¹³⁷⁾ tells us that the people of the kingdom of Mārāṇasī had the custom of picking up a bit of stone or a potsherd and saying to the offender 'Here's the king's officer; come along ! ' If any person refused to go with the accuser, he was punished. So the utterance of the word 'Officer' had an effect upon the accused. Even Kautilya⁽¹³⁸⁾ lays down that, when a person finds his lost property in the possession of another, he shall cause the offender to be arrested through the judges of a court or if time or place does not permit this, he shall seize the offender and bring him to the judges.

The citizens and the state jointly defended the society. In a Buddhist tale,⁽¹³⁹⁾ we find some citizens assisting the police to capture bands of thieves. They had also a say in the punishing and releasing the criminals.⁽¹⁴⁰⁾ It seems from the account left by Fa-Hien⁽¹⁴¹⁾ that, at least in the Gupta age, there was perfect understanding and cooperation between the police and the people. The sense of responsibility of the people being roused, there was almost a total absence of theft, robbery and other heinous crimes and consequently there was little police

restriction. The movement of the people was unrestricted. 'As soon as the administration became the concern of the few, the police system was deprived of its former vitality and vigour'. (142)

In arresting thieves and robbers, policemen were often assisted by military personnel. The Kottapala, and gaulmika performed police functions. Often the kings had to employ troops to deal with master thieves or ferocious forest-robbers. (143)

Altekar⁽¹⁴⁴⁾ points out that as higher officers of the police department do not figure in epigraphs, their duties were possibly entrusted to the officers of the military department who were stationed at different centres of the kingdom to maintain law and order. Prince Abhaya asked the chief of the city police to equip a force consisting of the four departments i.e. fourfold army, indicating that the chief was also connected with the army. (145)

In the chapter on Detection we have shown which persons were to be arrested by the police and detectives. This power of arresting may seem to be almost^{^ux} restricted; but really some limitation was imposed upon it. According to Nārada, the following persons were not to be arrested: 'One about to marry; one tormented by an illness; one about to sacrifice; one afflicted by a calamity; one accused by another; one employed in the king's service, cowherds, cultivators, artisans, soldiers engaged in their work, etc.' (146) We do not know whether Nārada's rule was applicable to thieves and robbers. According to Kauṭilya, 'Three days after the commission of a crime, no suspected person (sanki-taka) shall be arrested, inasmuch as there is no room for

questions unless there is strong evidence to bring home the charge'. (147)

Though generally persons were not allowed to cross fords or rivers at unusual time and place and even at the usual time and place without passes, the following persons, according to Kauṭilya shall be allowed to cross at any time and place without permission : 'Fishermen, carriers of firewood, grass, flowers, and fruits, gardeners, vegetable dealers, and herdsmen, persons pursuing suspected criminals, messengers following other messengers going in advance, servants engaged to carry things, provisions, and orders to the army, those who used their own ferries, as well as those who supply villages of marshy districts with seeds, necessities of life, commodities and other accessory things'. Foreign merchants who frequently visit the country and those who are well-known to local merchants shall be allowed to land in port towns without passport. Persons who generally got passes and escaped arrest were : 'Brāhmanas, ascetics, children, the aged, the afflicted, royal messengers, and pregnant women.' (148)

During curfew hours in the city at night, the following persons, if out, are not to be arrested :

- (1) persons attending delivery cases,
- (2) doctors,
- (3) carriers of dead bodies,
- (4) persons moving about with a lamp in hand,
- (5) persons who go out in response to the summons of the city magistrate by drum,
- (6) persons going to a theatrical performance permitted by the censor,

- (7) persons going to extinguish the outbreak of fire,
(8) persons moving about with passes. (149)

Jail, Jailors and Jail Administration

The king had to run several lock-ups for housing the suspects where they had to wait till the time of their trial and also many jails to lodge the condemned criminals. The lock-up was called cārake, (150) and the jail was known as bandhana, (151) bandhanāgāra, (152) kāragāra, (153) gūdhāgāra, (154) gupti, (155) etc. According to Kauṭilya, 'Provided with separate accommodation for men and women kept apart, and with many compartments well-guarded a jail shall be constructed'. (156) Sometimes male and female offenders were kept in the same lock-up. According to Kauṭilya, 'when an offender kept in lock-up commits rape with an Ārya woman in the same lock-up, he shall be condemned to death in the very place.' (157) Altekar points out: 'It is rather strange that jail officers should figure so very rarely both in the śmṛtis and inscriptions. This may be probably due to imprisonments being not quite common. It appears that fines were more usually imposed'. (158)

The jailors were generally cruel and used to torture the prisoners ruthlessly. A jailor threatened a thief with eighteen kinds of torture and finally death if he did not give back the goods stolen by him. (159) In order to get the booty back from him, the jailor put to him all manner of questions, sometimes bullied him and on other occasions followed an appeasing technique. The thief was, however, given wholesome

food and drink probably to soften his mind.⁽¹⁵⁹⁾ In the prison, the criminals were generally kept with their hands tied and feet fettered.⁽¹⁶⁰⁾ Descriptions of ancient Indian jails and of the tortures inflicted upon the unfortunate prisoners are very sickening. According to Fa-Hsien,⁽¹⁶¹⁾ Asoka, very cruel during his early career was impressed by seeing the place where Yama-rāja inflicted punishment upon the wicked men for their crimes after their death and decided to have a place of punishment like that for the guilty. He asked his ministers to name a person who could make a hell and exercise authority there to punish the wicked. They replied that only a very wicked man could do this. The king at once dispatched his ministers in every direction to find out such a man. In the course of their search, the ministers saw a 'lusty great fellow of a black colour, with red hair and light eyes; with the talons of his feet he caught the fish, and when he whistled to the birds and beasts, they came to him; and as they approached, he mercilessly shot them, through, so that none escaped'. They brought this man (a caṇḍāla or vyādha) to the king. The king secretly ordered him to enclose a square space with high walls, and plant there all kinds of flower and fruit plants, make beautiful alcoves and beautify it in such a way as to make people eager to look within. He also ordered him to make a wide gate to it, to seize every entrant and torture him mercilessly. Fa-Hsien^{ah} has preserved for us two samples of torture. The jailor put a visitor in a stone mortar and 'began to pound his body into atoms till a red froth formed'. In another case, he thrust a Buddhist monk into a caldron of boiling water.

Soon the king destroyed this place of ^torture and repented of all the evil he had committed. Hiuen-Tsang's account ⁽¹⁶²⁾ of Asoka's jail is slightly different. According to him, while during the pre-conversion period of his life, Asoka was exercising a most cruel tyranny, he made a ^ehell for the purpose of torturing human beings. He surrounded it with high walls having lofty towers and placed therein specially vast furnaces of molten metal, sharp scythes and all kinds of instruments of torture like those in hell. An impious man was put in charge of this hell. At first every criminal ^a in the empire, whatever his fault was cast in this 'place of calamity and outrage'. Afterwards all who passed by it were dragged inside and killed. The jailor used to bind a victim with cords and then cut off his hands and feet and pounded his body in a mortar, till all the limbs of his body were mashed up together in confusion. He would also cast the victim into a boiling caldron. Soon a miracle changed Asoka's heart and he 'levelled the walls, filled up the ditches and put an end to the infliction of such horrible punishments'. ^{^ Mann (163)} ^{^ Monk} prescribes that jails should be built on royal roads so that people may see the criminals suffering pain and living in miserable condition. This should have, he thought, a deterrent effect.

Terrible indeed was the life of the prisoners. Often the jailors caused their death by inhuman torture. The Vivegasaya ⁽¹⁶⁴⁾ describes a jailor, named Dujjohana who was impious and hard to please. He had in his jail at Sihapura the

following things to deal with the prisoners :

- (1) many jars filled with boiling metals like iron, copper, tin and lead and lime water, acid oils, etc.,
- (2) pots containing urine of various animals, such as horses, elephants, cows, buffaloes, camels, goats, rams etc.,
- (3) several kinds of hand-cuffs, (hetthanduya), fetters for the feet (payanduya), massive wooden frames to fasten the feet (hedi), iron-chains, various kinds of sticks (of bamboo, cane, and tamarind wood), whips of fine leathern straps or whips made from hemp, many kinds of stones, hammer, small anchors of iron or stone, of ropes including those of hair, nets, nooses, swords, saws, razors, kalamba, cirapatta, iron-nails, bamboo-pegs, leathern straps, weapons looking like scorpion-tail, big and small needles, small iron-clubs, hatchets, nail-cutters and darbha grass.

The jailor punished the thieves, knot-breakers, killers of children, and others thus :

They were forced to lie on their backs and, opening their mouths with iron-bars, molten oils and urine of animals were poured into them. Some were made to lie on their belly with head bent down and whipped with cadacada (crackling) sound. They were forced to put on hand-cuffs, and were put into fetters and stocks. Their bodies were contracted and broken. The hands of some were cut off and others were struck with weapons. Some were ~~st~~ mercilessly clubbed and others were thrown flat on their back and heavy stones were placed on their chests, while they

were beaten with thick sticks or rudely shaken by the men of the jailor. Some prisoners, bound hand and foot with guts or various types of ropes, were let down into a well with head hanging down and forced to drink water. Some were made to bleed with razors, swords, etc., and then sprinkled with saltish or acid oils. Iron-nails, bamboo-pegs, etc. were applied to the foreheads, collar-bones, elbows, knees, etc., of the unfortunate prisoners. Sometimes they were struck with scorpion strings and needles, big or small were 'thrust between the feet and bent by small hammers and they were made to rub them on the ground'. Fingers of some were cut off and made to bleed by various instruments. 'Their bodies were covered with wet darbha grass; then they were made to sit in the sun and when the grass became dry it was pulled out, (with a cadacada [crackling] sound) which in the process cut the skin and made it bleed.'

In another story⁽¹⁶⁵⁾ we find that a wealthy merchant arrested for a slight fault was put in the same cell where a notorious robber who killed the merchant's girl was undergoing imprisonment. Their feet were also bound in the same wooden frame. So in order to attend the call of nature, one person had to persuade the other to accompany him. They were denied food but the merchant's wife used to send her husband a sealed tiffin-box through her servant. The merchant was forced to share his food with the murderer of his child with a view to purchasing his company while going to ease himself. King Seniya⁽¹⁶⁶⁾ was once imprisoned and was given hundred lashes every morning and evening. He was not given any food or drink for several days and

none was allowed to see him. Afterwards when his queen was allowed to see him, she concealed food in her hair and gave it to him. Kauṭilya⁽¹⁶⁷⁾ refers to whipping in jail and also to the manual work done by the prisoners. Probably they had to work in prison-factories. Kauṭilya further says, 'Any person who steals mineral products or carries on mining operations without license shall be bound (with chains) and caused to work (as a prisoner).⁽¹⁶⁸⁾

According to Kātyāyana,⁽¹⁶⁹⁾ a strongly built Brāhmaṇa thief who is neither learned nor rich should be fettered and forced to do hard labour for the king till death. Śukra⁽¹⁷⁰⁾ prescribes that prisoners and all persons accused of grave crimes should be set to repair the road.

According to Altekar,⁽¹⁷¹⁾ they had to work on roads and in public places. As Kauṭilya⁽¹⁷²⁾ makes obstruction in the sleeping, sitting, eating or excreting of the prisoners, infliction of unjust torture, excessive beating leading to death, deprivation of food and water, commitment of rape upon the female prisoners punishable, it seems that prison-administration became more humane in his age. A modern student of ancient Jaina literature thus sums up the miserable plight of the prisoners :
6 They suffered from hunger, thirst, heat, cold, cough and ~~le~~prosy. Their nails, hair, beard and moustaches were allowed to grow unattended; they lay in their own excrement and urine and died in prisons only. They were dragged by the feet and were thrown away in ditches where they were devoured by wolves, dogs, jackals,

big rats (^{Kola}~~Kole~~), cats and birds'. (173) 'The sad and miserable plight of a released prisoner is taken as a standard of comparison for a person who has not bathed for days together, nor rinsed his mouth nor performed any bodily ablutions'. (174)

According to The Harsacarite, 'Away ran disorderly crowds of freed prisoners, their faces hairy with long matted beards, their bodies black with manya miry smirch, like the kindred of a waning Kali age'. (175) In the Nayādharmakāṇḍa, (176) we find a released prisoner rushing to a hair-cutting saloon and then bathing in a lake. The king had no respect for the lives of the prisoners. We are told that a king used to send a prisoner everyday to a Yakkha (Yaksha) to be his food. (177)

We find a repulsive account of a forest-robbers' (Sabara) jail in the Kathasaritsagara: 'The prison was full of multitudes of vermin, filthy with cobwebs, and it was evident that snakes frequented it, as they had dropped there the skins that clung to their throats (or snake-skins clung to the holes in the prison-walls). The dust in it rose as high as the ankle, it was honey-combed with the holes and galleries of mice, and full of many terrified and miserable men that had been thrown into it'. The place seemed to be the very birthplace of hells. (178)

Though Fa-^{ha}~~lien~~ tells us that Asoka built his jail in imitation of Yama's naraka (hell), we think it more probable that the idea of the hell was conceived by witnessing the prisons of kings on earth. (179) According to some Jaina canonical sūtras, hells are 'round inside, square outside, on the floor razor-like arrows are thick-set. Their floor is slippery with a coat of marrow,

fat, flesh, blood and matter, and besmeared with grease'. In the hell, the sinners are, we are told, boiled in caldrons filled with their blood, their limbs are cut off and their tongues pulled out with sharp pikes. They are pounded with pestles and forced to eat their vomit, pus, blood or excrements. They are mercilessly beaten, tightly bound into a bundle suspended from trees or cut into pieces. They are tormented with various machines, their limbs are fractured and are devoured by ferocious animals. They are denied food and drink. Their bodies are also pierced with iron-nails. (180) Our accounts of jails given above do not materially differ from this horrid description of hells. The gruesome tortures prescribed by Kauṭilya for eliciting confession from a suspected criminal were probably inflicted upon them by the order of a judge or police-officer in jail. Some of the inhuman tortures which a condemned criminal had to undergo before meeting death, as described in the Milindapañho, Majjhima Nikāya, the Jātakas, Ceylonese folklore, etc., were probably inflicted in jails.

Asoka, however, seriously tried to do justice to the prisoners many of whom were unjustly imprisoned. His dharma-mahamātras were to inspect those who were imprisoned. 'They are occupied not only with the welfare and happiness of the servile class and the community of traders and agriculturists as well as the Brahmanas and the ruling class and likewise of the destitute and the aged, but also with the release of the devotees of Dharma amongst them from fetters. They are similarly engaged with the fettered persons in the prisons for the

distribution of money to those amongst them who are encumbered with progeny, for the unfettering of those who have committed crimes under the instigation of others, and for the release of those who are aged.' (181)

In a Pillar Edict, Asoka says, 'And my order goes even so far that a respite of three days is granted by me to fettered persons in the prisons, who have been convicted and condemned to death. During that period their relatives will plead for their life to some officers'. (182) According to F.R. Bhandarkar, the relatives 'will indeed propitiate some (of the Rajukas) in order to grant their life.' (183) The king and the city-prefect (184) are known to have made jail deliveries in ancient India. (184) According to Kautilya, 'On the days to which the birth star of the King is assigned, as well as on the full-moon days, such prisoners as are young, old, diseased, or helpless (anātha) shall be let out from the jail (bandhanāgāra); or those who are of charitable disposition or who have made any agreement with the prisoners may liberate them by paying an adequate ransom'. 'Once in a day, or once in five nights, jails may be emptied of prisoners in consideration of the work they have done, or of whipping inflicted upon them, or of an adequate ransom paid by them in gold'. 'Whenever a new country is conquered, when an heir-apparent is installed on the throne, or when a prince is born to the king, prisoners are usually set free.' (185) According to the Jātakas, (186) jail deliveries were made on the occasions of a prince's return from Taxila (after completing education), and his marriage and coronation and on festivals. Release of prisoners

was declared by beat of drum. In an emergency, prisoners were released to be employed as soldiers against an enemy.⁽¹⁸⁷⁾ A minister advised his king to free the prisoners to dig a big tunnel.⁽¹⁸⁸⁾

Asoka made twenty five jail deliveries in twenty-six years probably on his birth-day ceremonies or on the anniversary of his coronation. According to Bhandarkar, Asoka released only those prisoners whose imprisonment 'would be a wanton and unnecessary cruelty'. According to Altekar, criminals guilty of minor offences only were probably released.⁽¹⁸⁹⁾ The custom of jail delivery at the time of the coronation or birth of a prince has been mentioned by Kalidasa⁽¹⁹⁰⁾ and Bana⁽¹⁹¹⁾ According to Kalidasa, even death sentences were commuted during the coronation of king Atithi. The Silappadikaram⁽¹⁹²⁾ refers to the release of prisoners on the king's birthday and at the founding of a temple. According to the Mālavikāgnimitra⁽¹⁹³⁾ of Kalidasa, astrologers advised the king to release all the prisoners as the constellation on which he was born was then in evil aspect. According to the Brhatsamhita, 'when the king takes the Puṣyasnana (ceremonial bath on the day on which the moon is in conjunction with the Puṣya constellation in the month of Pauṣa or in every month) he may order release except as to those prisoners who were convicted for offences connected with his own person or with the harem'.⁽¹⁹⁴⁾ According to the Mṛcchakatika,⁽¹⁹⁵⁾ on the following occasions, even persons condemned to death may escape sure death :

- 1) if some good men give the money to set them free,
- 2) birth of a prince (to celebrate this, all prisoners are released),
- 3) if an elephant breaks loose (the prisoners may then escape in the excitement caused by him),
- 4) if there is a change of kings (then all the prisoners may be set free by the new king).

In the Samarāiccakeha,⁽¹⁹⁶⁾ we find a good man securing the release of an innocent person accused of theft from the king by presenting him with a magnificent string of pearls. This reminds us of Kautilya's dictum referred to before. The bandhadanda was probably 'the ransom payable in lieu of imprisonment'.⁽¹⁹⁷⁾

According to Kautilya,⁽¹⁹⁸⁾ the Sannidhātṛ was to select the sites for the location of jails and construct the buildings for it. Altekar⁽¹⁹⁹⁾ is of opinion that jails were probably under the management of the Law Department. Generally men of low castes were recruited for the police department. According to Kautilya,⁽²⁰⁰⁾ as already pointed out, the Vagurikas, sabaras, pulindas, caṇḍālas and aranyacaras should work as watchmen. The kaṇavera Jātaka^(No. 318) refers to a Caṇḍāla naṅgaraguttika. Kautilya⁽²⁰¹⁾ also refers, as shown earlier, to the lubdhakas and svaganins (caṇḍālas) as persons who roamed in the forest-regions to detect thieves and robbers.

Nārada⁽²⁰²⁾ requires that the Caṇḍālas, executioners and the like shall be engaged to catch thieves. The streets of Madurai were guarded by yavana police men at night.⁽²⁰³⁾ Of the

two police captains mentioned in the Mrocchakatika,⁽²⁰⁴⁾ one belonged to a barber's family and the other to that of a tanner. According to Viṣṇu,⁽²⁰⁵⁾ the king should employ roughmen for his rough work. The thief Rauhineya referred to the demon-like appearances of some policemen.⁽²⁰⁶⁾ As pointed out earlier, policemen were armed with staffs, swords and probably with ropes and fetters. Night watchmen roamed in batches with torches in hand.⁽²⁰⁷⁾ Generally the policemen were very rough and cruel. Thieves and the suspects were mortally afraid of them. As they were mostly low class people with little or no education and had to deal with the scum of the society, no better behaviour could be expected from them. They were blunt, foolish, greedy, bribe-loving and sometimes morally corrupt. Their indiscriminate arrest of the suspects who happened to possess stolen goods and merciless beating to elicit confession prevent us from forming a good opinion about them. A poor man was imprisoned along with his family for possessing a gold necklace which a man of his standing could not get by legitimate means. The accused in such cases had to prove his innocence. The 'onus of the proof lay not on the civil Authority but on the accused'.⁽²⁰⁸⁾ They were easily befooled by master thieves like Śarvilaka and Apṣhārevarman.⁽²⁰⁹⁾ Even the city police chief seriously tried to arrest thieves only when they were offered huge presents by the wronged party.⁽²¹⁰⁾ If bribed handsomely, they would release a condemned thief and

execute an innocent man in his place. (211) Even after getting release, a suspect had to offer 'price for flowers' to the prefect of the police obviously to keep him in good humour. (212) Even high-ranking police officers had secret understanding with thieves and robbers and allowed them to rob in localities under their jurisdictions in lieu of a good share of their spoils. (213) The minister Abhaya, in order to insult the police-chief said that he never laid his eyes upon a thief. He implied that the chief had secret understanding with the thieves. (214) A police-captain was eager to confiscate the property of a rich merchant on a none too weighty ground. (215) The case of a ^{forest-guard} ~~police-officer~~ killing the husband of a beautiful lady with a view to enjoying her charm has been mentioned in a Buddhist legend. (216) In the Pāncatantra, (217) we find a police officer meeting a wanton ^a ~~women~~ in private at night and his daughter entertaining a stranger whom she took for her lover. As we shall see later on, Kautilya (218) prescribes punishment for jailors committing rape upon women in the lock-up and for policemen raping slave-women or a respectable lady.

Sometimes even a district officer (ratthakudā) gave shelter to thieves and themselves waylaid the travellers. (219) The jailor, Kāntaka in the Dasakumāracarita was highly conceited and regarded himself as very handsome and fortunate. He was proud of his youth and his behaviour was very rough. The maid of a prostitute easily convinced him of the deep love of the princess for him and induced him to meet her through a tunnel to be dug by an expert thief who was in his prison. She thus

succeeded in freeing the thief who fled by killing the jailor at the end of his task. (220)

In the Mrcchakatika, (221) we find two high police officers one of whom allows a jail-breaker to escape as he happens to be the friend of his benefactor. This he does in clear violation of the royal order and thus deliberately endangers the very life of his king. We also find them quarrelling and abusing each other in the street. One of them even seizes the other by the hair violently and kicks him betraying bad manners and low birth. In the Abhijñānaśākuntala, we find a vivid picture of some policemen handling a suspected thief. This reveals their rough treatment, cruel nature, cynical attitude, impatience, greed and addiction to drinking. Here also we find a sample of cross-examination of the suspect by the police. Then enter the Superintendent of the City Police and behind him two Policemen leading a fettered man.

Policemen (striking the man) Ah! you thief, answer where thou intercepted this royal ring, shining with big gems and having the royal name engraved on it.

Man -- (in fright) Please respected sirs. I did not do such an act as theft.

First Policeman -- was it then a gift bestowed by the king taking thee for a good Brāhmaṇa ?

Man -- Now listen. I am a fisherman living at Sakrāvataṛa.

Second Policeman -- Did we ask about your caste, you thief ?

Superintendent -- (to the second Policeman) Sūcaka,
let him tell all in order. Do not interrupt him in the middle.

Policemen -- As lord commands. (To the man) Go on.

Man -- With nets, hooks and other means of catching
fish, I achieve the maintenance of my family.

Superintendent -- (laughing) A pure livelihood indeed !

Man -- Say not so, master. The ^edis~~pi~~sed occupation which
is indeed born with one is surely not to be discarded. The practi-
ser of Vedic rites, though tender with pity, has to be heartless
in the act of killing animals.

Superintendent -- Then ? what then ?

Man -- One day I cut up a Rohita fish to pieces. As
soon as I looked into the inside of its belly, I saw this ring
glittering with bright gems. Afterwards showing it for sale, I
was arrested by your honoured selves. Kill me or cut me up, this
is the true story of its acquisition.

Superintendent -- (to the first policeman) Jānuka, the
fellow, smelling of raw meat, is surely Godhā-eating fish catcher.
The acquisition of the ring by him has to be investigated. We will
go to the king's residence.

Policemen -- As your lordship pleases. (To the man)
Proceed, you knot-cutter. (All move towards the city-gate).

Superintendent -- (to the second policeman) Sūcaka,
here at the city-gate you two wait for me until I come out having
reported to the lord exactly as this ring has come to us and
having obtained orders from him.

Policemen -- Let your honour enter to receive the lord's favours. (Exit Superintendent)

Second Policeman -- (after waiting for some time) Jānuka, his honour is indeed delaying.

First Policeman -- Well, kings are to be approached at opportunities.

Second Policeman -- (pointing to the fisherman) My hands quiver to tie the garland for his death.

Man -- It does not become your honour to slay without reason.

First Policeman -- (espying) Here our master, having obtained royal orders, appears facing this way with a letter in his hand. (To the fisherman) Thou wilt become an offering to the vultures or wilt see the jaws of a dog.

Superintendent -- (entering, to the second Policeman) Sūcaka, let the fisherman be released. The story of the acquisition of the ring is indeed consistent.

Second Policeman -- As your honour directs. This fellow has come back after having entered the abode of death. (Releases the man).

Man -- (bowing to the Superintendent) Please master, how shall I get my livelihood today ?

Superintendent -- Here, a gift commensurate with the value of the ring is also caused to be given by the lord. (Gives money to the man.)

Man ← (accepting with a bow) Master, I have been favoured.

Second Policeman -- Such indeed is the favour that, taken down from the stake, you are seated on the neck of the state elephant.

First Policeman -- Master, the gift shows that the ring with its priceless gems must have been very much acceptable to the lord.

Superintendent -- I guess it is not the invaluable gems in it that have been acceptable to the lord; some persons dear to the lord was ^{re}reminded by its sight. Though naturally self-possessed, he ^areminded for a moment with tearful eyes.

Second Policeman -- Service indeed has been rendered by master.

First Policeman -- Well, say that for the sake of this fish-killer ! (Eyes the man with envy).

Man -- (to the Superintendent) Master, let half of this money be as price of flowers for you.

First Policeman -- This much is proper.

Superintendent -- Fisherman, you are noble and have become a dear friend to me. Our friendship is expected to have liquor for witness. So let us go to a wine-seller's shop." (222)

But Policemen were not entirely devoid of good qualities. In the Mrcchakatika, a police officer said, 'I do not know my father when I am serving my king'. (223) On one occasion some policemen sat round a deserted temple the whole night in order to arrest a thief who shut himself there. (224) A police officer let a convict escape at a grave personal risk because he had assured safety to the convict who sought his protection without disclosing

his identity. He stuck to his promise to save the innocent kind-hearted Carudatta also in whose cart the convict was fleeing and also to satisfy his one-time benefactor, Sarvilaka, who was the protector and friend of the convict. As he was thus forced to violate the king's order to arrest the convict who broke the jail, the police officer consoled himself thus :

"He who gives aid to frightened men, And joys his neighbour's
ills to cure, If he must ⁱdye, he dies; but then ~~His reputa-~~
^{^ His reputation}tion is secure'. (225)

Though not a dutiful policeman, he was definitely a good man. Some policemen in the Dasakumāracarita (226) show their kindness by treating a snake-bitten man lying beside his wife at dead of night in the city street. A police officer in the Mrcchakatika claims to know a thousand dialects of the barbarians -- the Khasās, Khattis, Khadās, Khadatthas, Vidas, Karnātas, Karnapravaranas, Drāvidas, Colas, Cīnas, Barbaras, Kheras, Khanas, Mukhas, Madhughātas and others. (227) In the Mrcchakatika, (228) one finds ^{^ a nice example of the alertness of} a police officer. When he and his colleague are out in the street to arrest a jail-breaker, his friend peeps into a suspicious-looking cart and finding there the convict who is the protégé of his friend, comes back uneasily and says, 'I saw the gentleman [correcting himself] I mean, the lady . . .'. At once the other police officer says that he has become suspicious because "you gurgled in your craven throat, it seems a trifle shady. You said 'I saw the gentleman', and then 'I saw the lady'. That's why I'm not satisfied." He wants to inspect the cart.

Various punishments have been prescribed for bad police men and jailors. According to Kautilya, 'Those watchmen who stop whomever they ought not to stop, or do not stop whomever they ought to stop, shall be punished with twice the amount of fine levied for untimely movement. When a watchman has carnal connection with a slave woman^a, he shall be punished with the first amercement; with a free woman, middlemost amercement; with a woman arrested for untimely movement, the highest amercement; and woman of high birth (kulastrī), he shall be put to death. When the officer in charge of the city (nāgaraka) does not make a report [to the king] of whatever nocturnal nuisance^e of animate or inanimate nature (cetanacetana) has occurred^r, or when he shows carelessness [in the discharge of his duty], he shall be punished in proportion to the gravity of his crime'. (229) Again 'If, with the intention of giving a hint, robbers are frightened [by the guards] [the latter] shall be tortured to death'. (230) A police officer who deliberately allowed a band of robbers to loot a village under his charge was degraded and removed from his post by the king when his crime was detected. (231) A village headman who had police and judicial functions accused some pious men of robbery as their attempt to reform the character of the villagers lessened crimes and consequently deprived him of the money usually paid by the criminals as fines. When the truth came out, he was punished by the king. (232) As mentioned already, king Mūladeva replaced his superintendent of the city police by a new one as the first officer failed to rope

in a notorious thief. The Agni Purāṇa allows the king 'to deduct the amount from the salaries of the police officers if they failed to discharge their duties'. (233) In the Mṛcchakatika, (234) a police captain who let a convict escape, feared death at the hands of the king. According to Kautilya 'when an officer lets out or causes to let out offenders from lock-up (cyāraka), obstructs prisoners in such of their daily avocations as sleeping, sitting, eating or excreting, he shall be punished with fines ranging from 3 panas upwards When the Superintendent of jails puts any person in lock-up without declaring the grounds of provocation (samruddhakamanākhyāya), he shall be fined 24 panas; when he subjects any person to unjust torture, 48 panas; when he transfers a prisoner to another place, or deprives a prisoner of food and water, 96 panas; when he troubles or receives bribes from a prisoner, he shall be punished with the middle most amercement; when he beats a prisoner to death, he shall be punished 1,000 panas. When a person commits rape with a captive, slave, or hired woman in lock-up, he shall be punished with the first amercement; when he commits rape with the wife of a thief, or of any other man who is dead in an epidemic (dāmara), he shall be punished with the middlemost amercement; and when he commits rape with an Arya woman in lock-up, he shall be punished with the highest amercement'.

When an officer commits rape with an Arya woman, he shall be hanged. ~~When a similar offence is committed with a~~
 ^ For raping a
 women under slavery, the offender shall be punished with the
 ^ For allowing a
 first amercement. ~~[An Officer] who causes a~~ prisoner to escape

from a lock-up without breaking it open, ^{^ an officer} shall be punished with the middlemost amercement. ^{^ For causing} ~~[An officer]~~ who causes a prisoner to escape from a lock-up after breaking it open, ^{^ an officer} shall be condemned to death. When he lets out a prisoner from the jail, he ^{^ sentenced} shall be ~~put~~ to death and his property confiscated*.

Kautilya then mentions a very salutary principle :

'Thus shall the king, with adequate punishments, test first the conduct of government servants, and then shall, through those officers of approved character, examine the conduct of his people both in towns and in villages'. (235) Spies were employed by the king to espy the movements of important officers including those of the Police department. (236) In normal times, the officers of the state received salaries. According to Kautilya, (237) when adequate money is not available, the king may give fields, cattle, forest-produce and a small amount of money to his officers. Sukra (238) says that the king should always pay salaries in panas. Hiuen Tsang, (239) however, says that the officers used to get each a portion of land. According to Kautilya, (240) ~~however, says that the officers used to get each a portion of land.~~ According to Kautilya, (240) the officers should get pensions and gratuities. In the Cola country, 'wages of watchmen were paid mostly in grain and supplemented by periodical payments of coin'. (241)

Several taxes were levied by the king for rendering ^{^ Most of the money was probably used for the maintenance of policemen.} protection to his subjects. Among the protection-taxes, (242) mention may be made of the avani-vetana (contribution for police duties of a village), caturaka (a tax for the maintenance of a

police station), dustasādhyādāya (a tax levied for the maintenance of the police engaged in suppressing robbers), gulma-deya (dues paid at a military or police station), mahārāja-prayojana (fees collected for the performance of police duties), nādu-kāval (tax for the policing of a district), asasu-pperu ('fees collected for payment for the performance of police duties in the rural areas'), nādutalaiyārīkkam (police-tax of the nādu), talaiyārīkkam ('tax payable for the maintenance of the village watchmen'), Varttanī ⁽²⁴³⁾ (collected from merchants and others for using roads in safety), Vartmadanda, mārganika ⁽²⁴⁴⁾ (customs dues payable at the outposts on roads), coraraksana (tax collected for protecting from thieves and robbers), sārthativāhya (tax paid by traders in lieu of protection), and goraksya ⁽²⁴⁵⁾ (tax given for protecting the cows), corarajju, ⁽²⁴⁶⁾ (tax collected for protecting from thieves) and cauroddharana ⁽²⁴⁷⁾ (a protection-tax). ^P Probably the corarajjuka was like the modern Chowkidar maintained by the corarajju or the watchman-tax. In the Cola state, safety of property 'was generally ensured by the payment of a special fee called pādi-kāvalkūli to local watchmen who undertook in return to see that no theft of property occurred and to make good any loss of property that occurred.' ⁽²⁴⁸⁾ In later times feudal lords usurped this right of exacting pādi-kāval kūli. Another protection-tax levied to maintain the watchmen was the padatijīva. ⁽²⁴⁹⁾ In the mediaeval Oḍiyā inscriptions, we find protection-taxes, like ahoru, dandoṣsi-ohorā, pāika (padatijīva) and pāikali. ⁽²⁵⁰⁾ A tax called

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pratihāra was collected for the maintenance of the pratihāra^{^a} (251)
(Keeper of the city gates). (251) **

Villagers had to make certain contributions when inspecting officers or policemen visited their village on duty. They had to be provided with free boarding and lodging out of the subscriptions raised for the purpose. Fodder had to be supplied to their horses. Relays of draught animals had also to be provided to enable them to reach the next destination. (252) Donees of agrahāra villages, however, were generally exempted from this burdensome duty. (253)

** Pratihāra-prastha was a tax paid by the villagers at the rate of one prastha of grain for payment to the pratihāra. (251a)

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- * According to Bloomfield and the criminal, mostly Sinita, is named against a thief who is under protection, and more than against a liar, says the Subhāṣitāṣṭava, 286 (Böhtlingk, Indische Sprüche, 4063, 5777).
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See ^uY.N.Ghoshal's interpretation of this term as a protection
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CHAPTER XII

Trial and Punishment

According to some scholars, (1) no reference is found in the Vedic literature to the king as judge either of civil or criminal cases. Possibly disputes were decided by the kula or the guild. (2) Though offences like theft, are mentioned in the Vedic literature, 'there is no trace of an organized criminal justice vested either in the King or in the people'. (3) The prevalence of the system of wergild probably indicates that criminal justice remained in the hands of the wronged party. (4) References to the sabhā, the sabhā-caras, and the arbitrators, probably indicate that litigants who were too weak to help themselves submitted their disputes to the assembly or to an arbitrator. (5)

'A wide criminal jurisdiction is, however, to some extent supported by the frequent mention of Varuna's spies, for Varuna is the divine counterpart of the human king'. (6) Possibly, they were engaged in detecting crimes as in the ages of Manu, Kautilya, Nārada and others. The Chāndogya Upaniṣad refers to the ordeal of the red-hot axe as applied in an accusation of theft. 'It must apparently be understood to have been inflicted by the direction of the king'. (7)

In the earliest Dharmasūtras, administration of justice was regarded as one of the important functions of the king. That the king personally administered criminal justice is clearly proved by some verses of Āpastamba, Gautama, Vasistha, Baudhāyana (8) and others. The king had to punish the thieves with a club, otherwise he incurred sin.

Visṇu, Manu, Yājñavalkya, Nārada and others (9) also refer to the punishing of thieves by the king himself with a club. Later on, the Caṇḍālas were entrusted with the carrying out of the sentence. Such direct dispensation of justice by the king was possible only when the kingdom was small and the crimes were few in number. Soon the king established regular courts presided over by permanent judges. The chief judge (prādvivāka) of the king's court declared (10) the law and the king awarded the punishment. The king also heard (11) appeals from the lower courts and tribunals. As the sphere of the king's justice was enlarged, the popular tribunals were not (12) allowed to try cases concerning sāhasa. (13)

Brhaspati and Kautilya mention various types of courts. (14)
The Kantakasodhana court of Kautilya, according to Rangaswami Aiyanger, was a Police and Administrative Court. Its object was to protect the people from harmful persons (Kantaka). It punished artisans, goldsmiths, merchants who would deceive the people by violating the existing laws and took steps to arrest youngmen inclined to theft, robbery, etc., to apprehend criminals on suspicion or while committing crimes, to examine cases of sudden death and to protect the state departments from theft. It meted out various punishments to the offenders. It also performed other works which we cannot now include within the jurisdiction of criminal courts. Its functions are like those of a modern police organisation. In wrongs dealt with in the Kantakasodhana section, it was the king or king's officers who themselves brought up the offenders for punishment and the offences were viewed not as mere

private matters, but as matters in which the state was concerned for the eradication of crime in general'.

We have many references to judges and officers having judicial powers. It is interesting to note that the village headman had also some judicial powers. (15) He was the chief of the village assembly which had some judicial function. He could drive a thief out of his village. He could also try other cases. But he could not probably try cases of organized brigandage or serious cases of theft and had to send them to the royal court. Thus the Kulāvaka Jātaka (No.31) shows that a village headman, though very eager to crush a band of virtuous men, had to send them to the royal court for trial on the false accusation of robbery. Kautilya says that if a headman expels a man from a village on a charge other than theft or adultery, he should be punished with a fine of twenty-four paras and the villagers should pay the first amercement. It shows that the village assembly presided over by the headman decided cases of theft, etc. and the king also exercised his right of supervision over their activities. Once a forest guard arrested a traveller on the false charge of stealing his jewel and brought him before the village headman. The headman rebuked the traveller and had him beaten to death. His dead body was then cast away. (16)

Village-assemblies in South India punished thieves and cattle-lifters (17) with fines. According to an inscription (1173 A.D.) of the Gahadavāla, King Jayaccandra, some Brāhmanas of a village being harassed by some looters and cattle-lifters decided to kill them, when caught, instantaneously or to pluck out their eyes (Cakṣurvadhah), and also to banish their abettors and demolish

their houses. These Brāhmanas must have been empowered by the king
(18)
to exercise such wide powers. The village-assemblies also
(19)
punished defalcation of public money.

The Pañca-ula or pañca kula was a town court which tried
persons suspected of theft. Its judges were known as pañcakulikas
(20)
or Karanikas. Possibly the nagaramukhyas, pauramukhyas, paura-
vrddhas performed some judicial functions. A police officer in the
(21)
Dasakumāracarita intent on confiscating the property of a
merchant on a charge of kidnapping a girl asks the Town-elders not
to object to the confiscation. A king asked his men to search the
house of a merchant suspected to ^{be} lie a thief in the presence of the
city-elders. These city-elders probably formed the Town-council
(22)
that assisted the city-prefect in governing the city.
(23)

According to Manu, the king or his officers should
not generally start a legal proceeding at their own initiative and
must not hush up a case brought before them. Of course the king
(24)
could take action in some cases suo motu. Pitāmaha mentions them
as aparādha, pada and chala. The ten aparādhas included theft; the
padas included concealment of treasure-trove, appropriation of
taxes, etc., receiving property from a man who was not the owner of it
and the chalas included unauthorised entrance into the king's
treasury, etc.

When the litigant came before a court and bowed, the
judges used to address him thus: 'What is your business ? What is
the injury done to you ? Don't be afraid, speak out, man ! By whom,
when, where and why (was the injury caused.) ?' After considering
his replies along with the sabhyas and the Brāhmanas, the judge would,

if the case was legally entertainable deliver the sealed order to the defendant or order the bailiff to summon the defendant. (25) In some cases, the king did not require the personal appearance of the defendant but in cases of theft and other grave crimes, personal appearance was compulsory. (26) When the plaintiff came to the court, his statement regarding the matter in dispute was recorded briefly. When the defendant came, the plaint was written down with all details. (27)

The plaintiff was permitted to keep the defendant under restraint by a process of law called asedha till the approach of the bailiff. (28) Both parties had to offer sureties. (29) The surety (pratibhu) undertook to produce the litigant before the court and assured it that the litigant would not abscond from the country. (30) In the Dasakumāracarita, (31) a merchant accused of kidnapping a girl remained on bail from the merchants' guild till he could furnish dependable proof against the charge. According to Kane, (32) in criminal cases, no court fees had to be paid. In disputes relating to sāhasa, theft, etc., the defendant had to file his reply atonce, though, in other cases, time might be granted at the discretion of the judge. (33)

A defendant could not raise a counter claim as long as he had not met the attack of the plaintiff. Another plaintiff could not also attack a person who was already defending a case except in the case of abuse, assault, sāhasa, etc. (34) The burden of proof would lie on the plaintiff in a reply of denial and on the defendant in other cases of reply. (35) According to Kautilya,

'when a person accused of theft proves in his defence the complainant's enmity or hatred towards himself, he shall be acquitted. (36)

Proof was of two kinds, human and divine. Documents, witnesses and possession formed human proof and ordeal was the divine proof.

(38)
Gautama, Kautilya and Nārada state that when there is doubt or discrepancy in the statements of litigants, truth should be determined with the help of the witnesses. The number of witnesses was not fixed and even a single witness was sufficient in a case of sāhasa. According to a Buddhist tale, (39) a king decided a case relying on the evidence of a single pious man, the Buddha.

Generally the witness was required to be of a good family, mature, well-to-do, virtuous and a permanent resident of the country. A thief or robber could not be a witness; but it is pointed out that in cases of robbery and other heinous crimes, witnesses should not be examined too strictly. (40)

(41)
Manu, Kātyāyana and Usanas declare that in crimes involving murder or in matters that occurred inside a house or in a forest, even a woman or a minor or a very old person or a hired servant or a slave or a relative or a pupil may be a competent witness, if no other witness is available. But Nārada (42) refuses to recognise a minor, a woman, a single person, a cheat, a relative and an enemy as witnesses even in sāhasa.

(43)
According to Kautilya, in cases of theft, abduction, etc., persons other than one's wife's brothers, foes and co-partners could be witnesses. In a tale of the Kathāsaritsāgara, (44) the evidence furnished by a thief is deemed to be sufficient for releasing an accused. The witnesses were cross-examined and fines and

other punishments were prescribed for giving false evidence. (45) In

the Dasakumāracarita, (46) a king threatens a female witness with torture as she is not willing to disclose the nature of a thief. Kautilya says that in case of an offence like theft, at first the witnesses of the defendant shall be asked as to the defendant's country, caste, family, name, occupation, property, friends and residence in presence of the complainant. Next their answers should be compared with the statements of the defendant regarding the same. Finally the defendant should be asked as to 'not only the nature of the work he did during the day previous to the theft, but also the place where he spent the night till he was caught hold of. If his answers for these questions are attested to by reliable referees or witnesses, he shall be acquitted. Otherwise, he shall be subjected to torture'. (47). (48)

In the Mrcchakatika, the judge questions Cārudatta accused of murdering and robbing a courtesan named Vasanta-serā, as to his relation with the victim and the latter's movements about the time of the alleged offence. Witnesses were to be examined by marking their tone, change of colour, eyes, gesture and demeanour. (49)

Generally speaking, the party whose averments were wholly supported by the witnesses won the case. In charges of heinous crimes and theft, 'the whole matter that is alleged may be held proved, when witnesses depose to only a part of the matter'. (50)

Another important proof was Yukti or signs that led to an inference. (51) It meant circumstantial evidence which was resorted to for finding out the criminal in default of documents and witnesses, especially in cases of heinous crimes. (51) According to Vasiṣṭha,

'one who is found armed or wounded or in possession of the booty (stolen) may be declared to be (the thief or offender)'.⁽⁵³⁾ Nārada says that when a suspect is arrested without stolen goods in his possession, he should be cross-examined and his answers and behaviour should be closely observed. According to him, 'Questions shall be proposed to them antithetically with regard to place, time, region, their caste, their name, their dwelling, and their occupation, in case they happen to be workmen. When the face changes colour or the voice falters, or the features look suspicious when they do not give evidence in public, when they make impossible statements as to the place and time, when there exists a doubt as to their place of residence, when they indulge in expense for bad purposes, when they have been previously convicted of larceny, when they keep bad company, or when documents speak against them, (by all such circumstances) they may be discovered (to be thieves)'.⁽⁵⁴⁾ The king or judge, according to Manu⁽⁵⁵⁾ should see through the thoughts of men by external signs, limbs, look, motion of the body, gesticulation, speech, voice, changes of the eye and the face, colour, action etc. The Pāñcatantra,⁽⁵⁶⁾ also describes the various marks that would indicate a criminal or an innocent man.

Too much dependence on circumstantial evidence was, however, discouraged. According to Brhaspati, 'a thief is held to be not a thief and a good man is held to be a wicked one in a judicial proceeding (not arrived at with proper reasoning)'.⁽⁵⁷⁾ According to the Mitākṣarā, Nārada lays down that the king should carefully examine whether a man caught is really a thief. 'When property alleged to be stolen is found with a man, it may be that

the articles came to his hand from another's hand or he may have taken it up when it lay unclaimed on the ground or he may have taken it as a thief'.⁽⁵⁸⁾ The Mitaksara,⁽⁵⁹⁾ further says that even an innocent man may betray some signs of a real thief or some stolen property may be found near such a man. Planting of loot upon innocent men by thieves and robbers has already been referred to.⁽⁶⁰⁾ According to Brhaspati,⁽⁶¹⁾ the sage Māṇḍavya was punished because the decision against him was arrived at without proper reasoning.

Kautilya also asks the king to punish one only after thorough examination. The same authority says that⁽⁶²⁾ guilt against suspected persons should be proved by the production of instruments used of by the accused, his accomplices or abettors, the stolen article and any middleman involved in selling or purchasing the stolen thing. The validity of these evidences shall also be tested with reference to the scene of the theft and the circumstances connected with the possession and distribution of that article. In the absence of such evidences and when the accused weeps much, he may be regarded as innocent. Kane points out that Act IX of the Mrechakatika 'is a standing literary condemnation of conclusions about guilt drawn from circumstantial evidence'.⁽⁶³⁾

In spite of severe warnings, Kings almost invariably punished men on the strength of circumstantial evidences against them. We have, however, a few cases where, against strong circumstantial evidence, the king or the judges examined the accused and even released them.⁽⁶⁴⁾ According to Samaraṅgadhara, a king even after discovering some stolen goods in the possession of an honest man, asked him to disclose the real truth as he could not regard truth as ^{an} ~~him~~ thief. In another case, a person Dhana by name was

was questioned by the king's minister regarding his possession of the missing necklace of the princess. Dhana replied that he had purchased it at Katahadvipa and it was all that he had saved in a shipwreck.

He further said that this had happened a year before. But as the princess had left the capital only two months ago, the minister discredited Dhana's statement and referred his case to the king. The king showed the necklace to the treasurer who readily recognised it.

Still the king questioned Dhana but getting no satisfactory reply

(65) sentenced him to death. Once a certain farmer found some ornaments underground which were stolen from the palace by some thieves and put them upon his wife's body in the wrong way. Thus he put the girdle on her head, the necklace round her waist, the anklets on her wrist and the bracelets on her ears. When the king was informed

of this, he took away the ornaments but pardoned him as he was a stupid. (66)

When a man is arrested on suspicion of being a thief, he could not be acquitted on his mere denial of the offence. He had to prove innocence by ordinary evidence (such as proof that he was elsewhere when the theft was committed) or ordeals. (67)

(68) According to Nārada, even when circumstantial evidence and inferences therefrom do not enable the judge to decide the case, he should ask the litigant to take oath or face ordeals.

Before describing the oaths and ordeals, something should be said about tortures generally used by the policemen and judges to elicit confession from the accused. According to Kautilya, (69) those persons whose guilt is believed to be true should be subjected to torture (karma). He says that four kinds of torture are in vogue: (1) six punishments (or six strokes with a rod), (2) seven kinds of whipping, (3) two kinds of suspension from above and (4) water tube

(or sprinkling of saline water into the nose).

Persons committing grave offences should be subjected to these fourteen kinds of torture : (1) Twelve strokes with a cane of nine cubit long, (2 & 3) two thighs [that is two types of thigh-bindings], (4) twenty strokes with a stick of the tree naktamala, (5) thirty-two strokes on each palm of the hands and each sole of the feet, (6 & 7) two types of scorpion-bindings [the left and right hands are taken backward and bound with the left and right legs respectively], (8 & 9) two kinds of suspensions, (10) driving needles through hands of fingers, (11) [preventing the criminal from urinating after] feeding him with rice-gruel, (12) burning one joint of the finger, (13) heating the body of the criminal for a day after causing him to drink oil or ghee, (14) exposure to the cold for a night in winter on a bed of [wet] coarse green grass.

In the absence of strong evidence and also when the accused fell a weeping, he was to be regarded as innocent and not to be tortured. Persons guilty of minor offences, youngsters, the aged, the afflicted, persons under intoxication, madmen, hungry or thirsty persons who have just taken a good meal, persons who have confessed of their own accord and also weak people should not be subjected to torture. Pregnant women and women who have not passed a month after delivery should also be exempted. Torture of women should be, according to Kautilya, half of the prescribed standard. Women may also be subjected, to the trial of cross-examination. A Brāhmana or an ascetic should never be subjected to torture.

A fresh kind of torture might be employed each day. Criminals who robbed in accordance with the threat previously made by

them, who partly used the stolen articles, who were arrested red-handed or with the stolen articles, who tried to ^{to} surgle the king's treasury, or who had committed culpable crime might be subjected to torture in accordance with the king's order once or many times to one or all of the above kinds of torture.

Judges were allowed to engage as spies, such people as harlots, suppliers of water and other drinks to travellers, story-tellers, hotel-keepers who provide travellers with boarding and lodging, any person who was acquainted with the work of the suspected person and was in a position to watch his movements and examine his honesty or character by various tests. Persons found guilty were subjected to torture.

In Act IX of the Mrechakatika, (70) the judge, on finding strong circumstantial evidences against the accused Carudatta, threatens him with torture unless he speaks the truth.

Hsuen-Tsang says, 'In the investigation of criminal cases there is no use of rod or staff to obtain proofs (of guilt)'. (72)

Oath (sapatha) and ordeal (divya) constituted the divine proof (daivikriya or samayakriya). The first of them was generally employed in cases of small value while the latter was resorted to in serious disputes and crimes.

According to the Visnu Dharma Sutra, (72) in cases of denial of a deposit or of alleged theft or robbery oaths are to be administered according to the value of the property claimed, the value being estimated in gold. He prescribes that when the litigant is a sudra and the dispute is relating to a matter worth less than one, two, three, four or five krsnalas, he should swear by holding

in his hand respectively, ^{if the value is} Durva grass, sesame, silver, gold or earth taken from ploughed land, beyond five krśnalas, various ordeals could be offered. Oaths with similar objects in the hands should be undertaken by Vaiśyas, Kṣatriyas and Brāhmanas, if the value of the subject matter is double, three times or four times of the value in the case of a sūdra. Taking of false oaths was punished with fines. (73)

Whether ordeal was known in the Vedic age is doubtful. (74)
The Chāndogya Upaniṣad, however, as said earlier, refers to the holding of the heated head of an axe in the hand by a person accused of theft to prove his innocence. To explain the power of truth in saving a man even from death, this Upaniṣad says that when a person accused of theft is brought handcuffed to the place of trial, he is asked to catch hold of a heated axe. If he is innocent, it does not burn his fingers, and he is acquitted.

In cases of sāhasa and steḥa (criminal assault and theft) ordeal was generally used. (75) Nārada (76) says, that persons suspected by the king, or denounced as criminals owing to their association with robbers should be tried by ordeals.

According to Brhaspati, (77) in cases of serious crimes or appropriation of a deposit, ordeals should be preferred to witnesses. According to Kātyāyana, (78) ordeal should be used in the case of persons who commit sāhasa in secret (that is by wearing masks) and it may be resorted to optionally with witnesses in cases of sāhasa, etc. According to Brhaspati, (79) in all cases, if a person arrested on suspicion refused to confess his guilt, he should clear himself from the suspicion by an ordeal. Ordinarily, ordeal was administered to the defendant.

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The original severe forms of ordeal gradually yielded place to milder forms of test. According to Yājñavalkya, (80) the ordeals of balance, fire, poison and water are to be resorted to in disputes of great value and in cases of treason, theft, and grave sins, without any offer to pay fine on defeat. The ordeals (81) recommended by Brhaspati for a low person in cases of theft may be described in a tabular form :

<u>Value of articles stolen:</u>		<u>Ordeals recommended :</u>	
1000 Panas	Poison.
750 "	Fire.
400 "	Hot gold.
3000 "	Rice
150 "	Sacred libation.
100 "	Dharma.

For persons of a middling kind, the amount should be double, and for persons of the highest rank, it would be four times as high. (82) Viṣṇu prescribes ordeals for persons belonging to the four castes in the cases of denial of deposits or of alleged theft according to the value of the property claimed.

<u>Value of property claimed or stolen :</u>	<u>Ordeal for a Sūdra :</u>
Less than half a <u>Suvarṇa</u>	... Sacred Libation.
More than this amount	.... Balance or Fire or Water or Poison.

If the amount is twice or thrice or four times as high as in each of the two cases mentioned above, a Vaisya, a Ksatriya and a Brahmana should undergo respectively the same ordeals

prescribed for a Sūdra. A Brāhmaṇa, however, must not be subjected to the ordeal by sacred libation.

Viṣṇu further states that any person formerly convicted of a crime or of perjury must be forced to undergo one of the ordeals mentioned above even though the matter in dispute be a trifling. But to the honest and virtuous, the judge must not administer any ordeal though the matter in dispute may be very important.

(83)
According to Kātyāyana, persons guilty of the grave sins, great rogues, experts in incantations and yoga practices, and those who repeatedly commit sin should not be allowed to undergo ordeals personally. Good persons appointed by them or their relatives should undergo them on their behalf. Rauhineya, a master of charms and spells was not allowed to undergo ordeals. He could not be burnt by fire, bitten by snakes or killed by poison. The Rāja-tarangini refers to a man famous for his knowledge of charms who could easily get over an ordeal.

(84)
(85)
According to the Vyavahāratattva, the Mlecchas and others performed ordials with the snake in the jar and the like. Rauhineya wanted to clear himself from the charge of theft by dragging out a snake of a jar. This snake-in-the jar ordeal has also been mentioned in inscriptions. The ordeals and the procedure common to all ordeals have been described by Kane.

(86)
(87)
(88)
(89)
According to Hiuen-Tsang, when the accused obstinately denies his fault, or tries to excuse himself, then four kinds of ordeal [(1) by water, (2) by fire, (3) by weighing, (4) by poison] are used.

Thus in several respects Hiuen-Tsang's ordeals differ from the ordeals described in the smṛtis and digests and his poison

ordeal is altogether new. (90) Alberuni (91) describes the ordeals of poison, kośa, balance, tapātamaśa and the ordeal of the red-hot iron correctly. His water ordeal is somewhat different. Various inscriptions also refer to many ordeals. (92)

The thief Rauhineya wanted to clear himself from the charge of theft by undergoing any of the four ordeals, snake-in-the jar, fire, sacred water and poison. (93) An alleged thief in the Mrcchakatika (94) feels aggrieved because he was sentenced to death without being tested by any of the four ordeals viz. poison, water, balance and fire. In the Rauhineyacaritra, (95) Abhaya, the king's minister administered the Kośa ordeal to Rauhineya with some modifications.

The last stage in the judicial proceeding was called siddhi or nirnaya i.e. decision. The judge in the Mrcchakatika says, 'we are authorized (merely) to give our decision (in a case); but the rest (i.e. the actual punishment) depends on the king.' (95a) The Abhijñānasakuntala (96) refers to the royal mandate recorded in a document in a case of alleged theft but in the Mrcchakatika; (97) the bailiff communicated the king's decision verbally to the judge in a case of theft with murder. A somewhat different account of the administration of justice in criminal cases in Vesālī, the chief town of the Licchavis is given in the commentary of the Mahā-pariribbāna sutta. (98)

The third member of the Executive Council of a Republic was in charge of justice. He was to decide civil and criminal cases, probably as an appellate court. (99) Nārada (100) prescribes that the king should decide at once cases concerning a cow, larded

property, gold, a woman, robbery; a heinous offence, etc. Judges were punished for violating the rules of judicial procedure and also for corruption. (101)

Now a few specific cases of trial of thieves or of persons accused of theft by the king or judges may be discussed. One Dhanamitra reported to the king of the stealing of his magic wallet and also said that one Vimardaka, an employee of the merchant Arthapati threatened him before the city-elders to steal his wallet. According to Dharamitra, Vimardaka falsely accused him of trying to take away the wife of his master by means of wealth got from that magic wallet.

The king, having summoned Arthapati asked him in private whether he knew Vimardaka. Arthapati said that he was his close friend. The king then asked him whether he could produce him (vimardaka) before him and he replied in the affirmative. But failing to trace him he became conscious of his own responsibility for the felony and in fear contradicted himself. He was then imprisoned by the order of the king. Then Dhanamitra again told the king that the suspicious behaviour of a greedy courtesan, called Kāmamañjarī who was giving away all her wealth, had led him to believe that his stolen magic wallet was in her possession because that wallet yielded money only to merchants and courtesans who gave away all their wealth. The king sent for Kāmamañjarī and her mother and they had to confess that the bag was with them. Then the king asked them to name the person who gave it to them. As they tried to hide his name, the king said that it was not proper because people visiting courtesans, do not always depend on wealth earned by honest means.

When the king pressed them threatening to cut off their nose and ears, they named Arthapati. The king then decided to sentence (102) Arthapati to death.

A man complained to the king that some fools of his village had stolen his buffalo and taking it under a banyan tree near the tank, they had killed it and eaten its flesh. One of the thieves said that there was no tank or banyan tree in their village. The owner affirmed that the tree and the tank were there on the eastern side of the village and they killed his buffalo on the eighth day of the lunar month. That thief then said that there was no east side or eighth day in their village. The king realised that he was a perfect fool and in order to encourage him smilingly said, 'You are a truthful person, you never said anything false, so tell me the truth : did you eat up his buffalo or did you not?'

Being puffed up, the fool confessed that they had eaten (103) the buffalo but all the other charges were false.

Two friends called Dharma buddhi (Right-mind) and Papabuddhi (wrong-mind) earned some money together and buried most of it in a forest for future use. But the wrongmind stole the hidden treasure and levelled the ground. After some time when they excavated that place no money was found and the two accused each other of theft and went to the court. When the magistrates ordered an ordeal for each, Papabuddhi said that he had a witness who would reveal to them the real thief. The goddess of the forest where the treasure was buried would give evidence in his favour. The judges became greatly interested in the case and asked the litigants to accompany them to that part of the forest next day morning.

Papabuddhi hid his father in a hole of a tree rear the appointed place during the night and in the morning bathed, wore clean garments and followed the magistrates and Dharmabuddhi to that tree in the morning. Then he cried out, 'O blessed goddess of the wood, which of us two is the thief ? Speak.' His father spoke unobserved that Dharmabuddhi ^{had} stolen the money. Greatly astonished, the magistrates began to think of the proper penalty for stealing money. But Dharmabuddhi sensing some foul play heaped some inflammable matter about that hole in the tree and set it ablaze. The father of Papabuddhi came out of the hole wailing and badly burnt and disclosed the knavery of his son. Then the magistrates hanged Papabuddhi to a branch of the tree, and commended Dharmabuddhi and satisfied him (104) by conferring upon him the king's favours and also other things.

(105)
The Kathāsaritsāgara gives a slightly different version of this story. Here the litigants are brothers and the judges, their suspicion being roused by the surprising utterance of the tree accusing Dharmabuddhi of theft, introduce smoke into the hole in the tree. This fumigates the father of the brothers and he falls from it dead. The magistrates then understand the plan of Papabuddhi and compel him to give back the stolen money to Dharmabuddhi. They then cut off the hands of Papabuddhi and also cut out his tongue and banish him.

(106)
In the Samarāiccakahā, a kotwal arrested a thief on the charges of burglary and murder. The king summoned the readers of the dharmaśāstras and asked them about the appropriate penalty in this case. The tale of Candana and Cakradeva in the Samarāiccakahā ^{which} has been described earlier also indicates the procedure followed by judges.

A a

When prince Abhya arrested the notorious thief Rauhineya, the king decided to punish him. Abhya, however, requested the king to punish him after an investigation as he was not caught with stolen goods in his possession. So the king began to question him thus: 'Where do you come from? What is your occupation? For what reason have you come here? Are you Rauhineya?'. The thief replied that he was Durgacanda, a householder in the village Sali. He came there on a matter of business. The king imprisoned him and sent a man to the village Sali to enquire whether the accused was the resident of that village. As Rauhineya's statement proved to be true, Abhya tried a clever device, (described earlier) to elicit a confession from the thief about the crimes committed by him. As Rauhineya refused to confess, Abhya said to the king, 'By such means it is not possible to determine who is a thief. Even if he is a thief, he must be released. The law cannot be broken'. (107)

Though justice was often administered in a summary manner, the king, if some convincing proof was suddenly available regarding the innocence of the accused, tried his case anew even bringing him back from the place of execution and if found innocent honourably acquitted him and gave him rewards. (108)

According to Narada, (109) when an innocent person has been accused of robbery and declared guilty, because he cannot prove his innocence, he shall be paid twice as much as has been stolen after the real thief is detected. Katyayana (110) prescribes that if an innocent man is forced by policemen to restore or pay the price of the thing stolen, he should get it back when the real thief is found out and the king should make the policemen pay to that man double the amount paid by him.

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In Act VI of the Abhijñāna Śakuntala, the king orders
an innocent fisherman caught on the suspicion of being a thief, to
be released.

A few cases of trial by arbitration are described in
Appendix II.

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- (97) Mrcchakatika, Act IX.
- (98) The Social Organisation in North East India in Buddha's Time, trans. S.K.Maitra, p. 107.

'When in ancient times a criminal was brought before the rulers of the Vajjis (i.e. the Licchavis) they made him over at first to the Vinicchayamahamattas. These then tried him and if they were convinced that he was innocent, set him free. If they, on the other hand, held that he was guilty, they made him over to the Voharikas, without pronouncing any sentence. The latter examined the matter and set him free in case he was innocent; if, on the contrary, he was guilty, they took him to the suttadhāras (probably they should be called suttadharas "knowers of the sutta, the law") who proceeded in the same-way with him. From there he was taken to atthakulakas (probably atthakulakas, by which, according to Lassen's supposition, a court consisting of eight heads of families is to be understood) who in their turn left the decision to the serāpati; from there, the accused was made over to the uparājan and from him to the rajan. The latter then investigated the

contd. . . .

- (98) contd. from pre-page
case and set the accused, if he held him innocent, at last free; if he, however, found him guilty, he pronounced the judgment in accordance with the pavenipottthaka, the book of customs'. Rhys Davids holds that such a complicated procedure was not actually followed. See Rhys Davids, Buddhist India, p. 11.
- (99) A.S. Altekar, op.cit., p. 134.
- (100) SBE, Vol. XXXIII, Pt. I, p. 16.
- (101) Kātyāyana, ed. Kane, 70; Kautilya, trans. Shamasastri, pp. 249 and 252ff.
- (102) Dasakumāracarita (Chap. II), pub. Rāmaswamy, pp. 107ff.
- (103) Kathās., op.cit., Vol. V, pp. 117ff.
- (104) Pañcatantra, trans. Ryder, pp. 158ff., Ibid., ed. Jivananda Vidyasagar, pp. 189ff.
- (105) Kathās., op.cit., Vol. V, pp. 59ff.
- (106) Kali Pada Mitra in IHQ, Vol. V, p. 84.
- (107) H.M. Johnson, 'The Story of the Thief Rauhineya in the Mahāvīracarita of Hemacandra' in JAOS, Vol. XLIV, pp. 1-10.
- (108) Buddhist Legends, op.cit., Vol. XXIX, pp. 121ff.; Mucchakatika, Act X.
- (109) SBE, Vol. XXXIII, Pt. I, p. 226.
- (110) N.C. Sen Gupta, op.cit., p. 305.

APPENDIX - II.

In one of his births, the Bodhisatta, when only seven years old, earned unstinted praise from all by finding out thieves in some complicated cases.

In the village of Yavamajjhaka, while a cowherd was sleeping in the field with his cattle grazing near him, a thief began to drive them away towards his destination. When the cowherd woke up, he accused him of stealing his cattle but the latter denied the charge and claimed the cattle as his own. Their altercation attracted a big crowd. The Bodhisatta had the plaintiff and defendant brought before him and asked them the cause of their struggle. The owner said that the cattle were his and he bought them from a certain person of a certain village while ^{^ the} one thief said that the cattle were born in his house and belonged to him. Bodhisatta promised to decide the case fairly if they agreed to abide by his decision. As they agreed, he asked the thief about the food and drink given by him that day to the cattle. The latter replied that they had drunk rice-gruel and had been fed on sesame flour and kidney-beans. The owner, however, said that being a poor man it was not possible for him to get rice-gruel. He fed them on grass only. Then Bodhisatta held an assembly there, caused some panic seeds to be ground in a mortar and moistened with water and gave that to the cattle to eat. They at once vomited and only grass was found. Bodhisatta showed it to the assembly and charged the thief with the theft of the cattle which he could no longer deny.

(2) Once a woman stole another woman's necklace made by tying together several threads of different colours and claimed it

as her own. Their dispute collected a great crowd around them. The Bodhisatta heard the cause of the dispute and knew the thief by the appearance of her countenance. He promised to solve their dispute if his decision was abided by the disputants which the latter agreed to do. The Bodhisatta then asked them about the scent they had used to perfume the necklace. The thief said that she always used sabbasaṃhāraka to scent her necklace with. The owner of the necklace told that being a poor woman she could not get sabbasaṃhāraka. She used the scent made of piyāṅgu flowers to perfume it. The Bodhisatta had a vessel of water brought there and put the necklace in it. He then sent for a perfume-seller and asked him to smell the vessel and name the perfume. As the seller smelt the perfume of piyāṅgu flower, the thief had to confess her guilt.

(3) A woman tried to go away with a cotton-ball when its owner, another woman, had gone down keeping it on the bank of a tank. As the owner protested, an altercation started between them. When both of them agreed to accept his decision, the Bodhisatta asked the thief what she had put inside the ball to roll it round. She replied that she had used a cotton-seed. But the owner said that a timbaru-seed had been used by her. Then the Bodhisatta untwisted the ball of cotton before the assembled multitude and found a timbaru-seed inside it. The thief was forced to confess her guilt.

(4) When a woman laying her child on the side of a tank went to bathe into it, a female goblin disguised as an ordinary woman tried to run away with it in order to eat it afterwards. As the mother caught hold of her, she said that it was her child. Hearing

the noise, the Bodhisatta sent for them and promised to solve the dispute on the condition stated above. He then drew a line, put the child in the middle of it and asked the goblin to seize the child by the hands and the mother by the feet. Then she bade them pull and said that the child should be hers who could pull it over to her side. As they began to pull, the child gave a sharp cry. Deeply shocked at this, the mother let the child go and fell a weeping. Now the Bodhisatta asked the people assembled there whether ^{it was more} ~~it was~~ the mother ~~that~~ tender to her child ~~or~~ than any other woman. ~~more~~. They replied that it was definitely the mother's heart. Then he asked if the woman who kept on pulling was the mother or that who let it go. Their verdict went in favour of the mother. The Bodhisatta then said that the first woman was really a female goblin who betrayed her identity by her red unwinking eyes, shadowless figure, fearlessness and cruel nature. The goblin had to confirm his findings.

(5) A man Dighapitthi by name took away Golakāla's wife with her consent in the presence of her husband and beat the former when he protested. He claimed her as his own wife. The Bodhisatta interfered as before and asked Dighapitthi his name and names of his parents. These he told easily. But when he was asked to name his wife and her parents, he not knowing their names mentioned some other names. ^{She} Bodhisatta put those names in writing, bade him go and asked Golakāla the same questions. He gave the correct names. These were also put in black and white. Then he ordered him to go. He then asked the wife the names of herself, her parents her husband and her husband's parents. The wife told her name

correctly but regarding the others mentioned some fictitious names, Bodhisatta put her replies in writing and then asked the assembled people to compare the reports of Dighapitthi and Golakāla with the account of the woman and say whose report agreed with the latter's account. The mob shouted that Golakāla's account tallied with that of the woman. Bodhisatta then declared Golakāla to be the real husband of the woman.

(6) A man began to drive away the chariot of another when he had alighted from it to attend the call of nature. When the latter protested, the former claimed it to be his own. The Bodhisatta interfered and asked a third man to drive the chariot. He bade the disputants hold on behind it and declared that the real owner would not let it go. After running some distance, the owner let it go while the other man kept on running with the chariot. When the Bodhisatta recalled the driver, this man too returned with the chariot. The Bodhisatta said that though the second man had run so speedily for so long a distance there was not a drop of perspiration on his body, his eyes were unwinking and he was fearless. So he must be the god Sakra and not the owner of the chariot. Sakra confirmed his conclusion.

Act IX of the Mrcchakatika vividly describes the trial of an alleged thief.

See The Jataka, ed. Cowell, Vol. V, No. 546.

Chapter XII.

Punishment for Theft and Robbery.

1. Origin of Punishment

The origin of theft and its punishment has been clearly referred to in the Buddhist and Jaina works. According to the Dighanikāya, the division of land into plots owned by individuals induced the wicked to grab the plots of other people. When a greedy man grabbed a plot that belonged to another, people told him that he had done an evil deed and should not repeat it in future. But as he grabbed others' land thrice, people seized him, admonished him and some of them struck him with their hands, some with clods and some with sticks. From such beginnings arose theft, censure, false speech and punishment. (1) An emperor gave some money to a poor man who had stolen, for his maintenance and told him to follow an honest trade thenceforward. The king gave money to a second thief to stop stealing. But when a third man was brought before him on the charge of theft, the king ordered his men to bind the culprit's arms behind him with a strong rope, to shave his head with a razor, to lead him from square to square to the sound of the drum and behead him in the place of execution. (2)

In ancient India, 'punishment was deemed to be a sort of expiation which purged the man of sinful promptings and reformed his character.' (3) According to Manu, (4) if the guilty are punished by the king, they go to heaven becoming pure. Those who committed grave crimes were to approach the king to absolve them from sin by punishing them adequately. (5) An ascetic, named Likhita ate some fruits from the hut of his brother without his permission and considering it to be theft went to the king to free him from the sin of the act

by inflicting on him the adequate punishment. As he refused to be pardoned through royal prerogative, his hands were cut off. Such self-surrender by criminals could never be universal; but a 'culture which could produce such conduct in even a very few men had undoubtedly something in it of solid spiritual power and strength'.⁽⁶⁾ Indeed in early days, 'when fears of punishment after death were more effective than it obviously became in later times, this might have been actually done by men, and in any case the duty to act thus might have been a more or less, effective deterrent against thefts.'⁽⁷⁾

In the early ages of The Gautama Dharma Sūtra and the Manusmṛti, criminal law in India was very severe and drastic. As the state was weak and unable to control crimes, drastic punishments were awarded to strike terror in the hearts of the criminals. In course of time, punishments were made more humane and fines came to be imposed for most of the crimes. From the time of Yājñavalkya, Nārada and Brhaspati, the rigorous of punishment were softened considerably.⁽⁸⁾ In the Maurya age, the penal code was severe.⁽⁹⁾ According to Strabo, 'death is the penalty for the man who steals'.⁽⁹⁾ Probably Kautilya⁽¹⁰⁾ shows the correct nature of the Maurya penal code by prescribing fines in lieu of mutilation in several cases of theft. In the Gupta age, punishment was very mild. According to Fa-hian, 'the kings govern without corporal punishment; criminals are fined, according to circumstances, lightly or heavily'.⁽¹¹⁾ 'When the laws are broken, or the power of the ruler violated', writes Hiuen-Tsang, 'then the matter is clearly sifted and the offenders imprisoned. There is no infliction of corporal punishment; they are simply left to live or die, and are not counted among men'.⁽¹²⁾

(13)

According to Brhaspati, only those should be punished with corporal punishment who are guilty of grave sins. Gautama, Vasistha, Manu and others⁽¹⁴⁾ lay down that before meting out punishment to the offender the extenuating circumstances, that is the motive and nature of the offence, the time and place, the strength, age, conduct or duties, learning and monetary position of the offender and the fact whether the crime has been repeated should be carefully considered.

In the Vedic age, burglary, house-breaking, highway robbery, etc., were very common but we do not definitely know whether the state had any arrangement for punishing the thieves and robbers. The general view was that the person wronged could punish them according to the dictates of his passion. Hazra,⁽¹⁵⁾ however, points out that the Rgveda, VII. 86. 5. probably refers to a king punishing a thief: 'Cast off [O Varuna, our bonds caused by] our forefathers' acts of violation [of your laws] and [also by] those which [we] did with our persons. Liberate [me] Vasistha, from [your] fetters, [O] King, like a [petty] thief [who is set free] from the [tying] rope after he has satisfied [his captor or captors or the king] with [the offer of] cattle, [and] like a calf [liberated] from [its tether.]'. Hazra remarks that the word 'king' or 'rājan' shows that in some cases the king punished a thief or let him off. Here the word tāyu is used to mean a petty thief.

This verse also shows that even a petty thief who probably stole only clothes, utensils and the like and did not do any harm to the body or life of the people was set free after he had paid to his captor or captors (the persons wronged) or the king 'a very

heavy ransom in the form of as many animals (most probably cows) as could create his or their satisfaction'. There was thus no fixed rule regarding compensation to be made by a petty thief to get his release and it depended entirely upon the pleasure of the wronged party. This heavy ransom must have served as a deterrent. According to Hazra, this verse further indicates that if these criminals were unable to pay the desired ransom, they were tortured to death.

Thieves, when captured, were tied with ropes and bound in stocks. ⁽¹⁶⁾ The Atharvaveda ⁽¹⁷⁾ probably refers to the mutilation and killing of thieves as forms of punishment.

2. Death Sentence

The Rgveda (V.79.9; VIII. 67. 14) refer, according to Hazra, to the killing of thieves by their captors. The first verse runs thus :

'Shine up, [O dawn], daughter of heaven, do not spread out thy work for long (or, over a long time) ; let not the sun scorch thee with his ray as a hero burns a hurtful thief with the flame [of fire], O [one who is] high born [and is] carried excellently by steeds !' ⁽¹⁸⁾

According to Hazra, the word stena used in this verse does not mean an ordinary thief, but a harmful one (ripu). The word sūrah (sur) used in this verse also means, according to Hazra, a hero or a king tormenting a thief. This verse shows that as the sun heats the dawn with his rays more and more till the latter ceases to exist, a hero of the Rgvedic age, went on torturing a harmful thief (when captured) with fire and thus killing him. The continued torture of such a thief was possibly motivated by

the captor's spirit of revenge.

The Rgveda (VIII. 67. 14) also refers to the capital punishment meted out to thieves: 'From the grip of the [wolf-like] destroyers, ye Ādityas, rescue us [who are powerless and helpless], like a bound thief [delivered] from the jaws of wolves, O Aditi.' From this verse we know that when captured, a thief (stena) was bound with a rope and killed by exposure to wolves. But if he could satisfy his captors (i.e. the persons robbed or the king's men) by any means, he was freed from bondage. He could get his release because he probably did not do any harm to his victims.

The Rgveda (VII. 104. 10-11) indirectly refers to the capital punishment of thieves. In the Atharvaveda, (19) we find a thief was killed by being struck against a post.

Āpastamba, (20) Gautama, (21) Vasiṣṭha, (22) Bṛāhmayana, (23) Manu, (24) Nārada (25) and Yājñavalkya (26) refer to the striking of a thief with a club by the king which may lead to the latter's death. According to Āpastamba, (27) a non-Brāhmaṇa committing theft or appropriating land should be deprived of his property and sentenced to death. According to Yājñavalkya, (28) the King shall cause the robbers who confine men at captives and steal horses and elephants, to be impaled on a stake.

Manu (29) prescribes trampling by an elephant for stealing property. Corporal punishment or death is prescribed for stealing paddy or grain exceeding ten kumbhas, things measured by weight, i.e. gold, silver, etc. exceeding one hundred palas and costly clothes exceeding one hundred (panas in value or one hundred in number), men of high birth, women and the most precious gems and for breaking open royal treasury, arsenal or the temple of a deity, stealing

royal elephants, horses or cars. (30) According to Manu, (31) the man who commits theft by housebreaking at night should, after his hands are amputated, be impaled on a sharp stake. Manu (32) further says that if robbers, thieves and the like refuse to assemble in places suggested by the king's spies, the king should seize them by force and put them to death if found guilty along with their friends, blood-relations and connexions (if proved to be their confederates). Elsewhere Manu (33) says that if a thief is caught with the implements of theft or robbery, he should be killed forthwith. The Viṣṇu Dharmasūtra (34) prescribes death for all persons guilty of grave sins, excepting the Brahmanas. According to Brhaspati, (35) house-breakers shall be compelled to give back their plunder and be impaled. Highwaymen shall be hanged. The kidnapper of a man shall be burned in a fire of straw and the stealer of a woman shall be placed on a bed of hot iron, or burned in a fire of straw. (36) Brhaspati also lays down that a cow-stealer's nose should be cut off. He should then be fettered and thrown into water. A thief (37) may also be executed, according to him, to prevent a repetition of the crime.

According to the Mānasollāsa and the Dandaviveka, the death-sentence was carried out in various ways. (38) Manu (39) prescribes simple death for persons who give subsistence, instruments of house-breaking or asylum to thieves. In the Mahābhārata (40) death-sentence or impalement for theft has been referred to several times.

According to Kauṭilya, (41) those who assault or obstruct travellers on their way, commit house-breaking or steal royal elephants, horses or carriages should be hanged. Persons who burr or carry away the corpses of those offenders should also be similarly

treated. They may, however, escape death on paying the highest amercement. A stealer of a herd of cattle should be beheaded. For theft of valuable things in Government departments by officers, clerks or servants, Kautilya prescribes death. According to (42) Kautilya, whoever steals or causes one to steal a cow should be executed. For stealing weapons or armour, all men excepting soldiers (43) shall be killed by shooting arrows. (44) Kautilya, however points out that offenders who have not been cruel may be put simply to death. For stealing images of gods or animals, men, or taking possession of fields, houses, gold, gold coins, precious stones, or crops of others, a man shall either be beheaded or compelled to pay the highest amercement. (45) According to Kautilya, (46) a government servant shall be killed for stealing articles of eight to ten panas in value while an ordinary thief shall be condemned to death for stealing articles of forty to fifty panas in value. (47) Kautilya, also prescribes death or a fine of two hundred panas for entering into a fort without permission or carrying off treasure through a hole or passage in the wall of the fort. According to the (48) Dasakumāracarita, a thief can be tortured to death or trampled under the feet of an elephant. The thief Purnabhadra against whom an elephant was driven to trample him down, describes the scene (49) vividly.

(50) In the Mrocchakatika, Carudatta is sentenced to death for committing theft with murder. The Abhijñāna Śakuntala (51) refers to two kinds of death sentence for a thief viz. impalement and exposure to ferocious dogs. Probably the criminal was buried shoulder (52) deep and dogs were set against him. The Culla-Paduma Jātaka

describes a cruel punishment. The hands and feet, nose and ears of a robber had been cut off, and he was placed in a canoe, and left to drift down a great river to meet his death. Another thief was scourged with whips, tormented at every street corner and then executed. (53)

The governor of a city led a robber to the execution ground to the music of the harsh-sounding drum. His hands were bound behind him; a wreath of red Karavera flowers was about his neck and brickdust was sprinkled on his head. The robber was escorted by a large police force. He was shipped in every square and the people followed him to the place of execution. He was at first beheaded and then impaled. (54) (55)

A Jataka tale refers to impalement on stakes made of the acacia, nimba and ebony wood and also on the iron spike. The mention of the thieves' cliff indicates that thieves and robbers were thrown down from it. (56)

'One side of this mountain can climb; but the other side is a precipitous cliff, from the top of which robbers are flung, being dashed to pieces before they reach the bottom; therefore it is called Robbers' Cliff'. (57)

A King fond of human flesh used to kill prisoners and when the prisons became empty, he asked his men to throw down in the high road some money and kill any one that would pick it up. (58) A robber was roasted alive by a king of Ujjaini. (59) (60)

Various works refer to the death sentence for theft. In a story, some councillors say to the king, 'O King, this man is a child-murderer and a thief as well; so let him be impaled upon a khadira stake'. Other ministers say, 'Let him be cut up into a hundred pieces and his flesh fed to vultures'. In another recension of this story, the councillors say, 'Let the villain be cut into nine pieces and ground in an oil mill, or bind

round with straw-ropes and burn him on the highway, since he deserves death by any manner of torture'.⁽⁶¹⁾ In some rare cases, Kings made scientific experiments on the bodies of thieves and robbers which led to their painful death. Sometimes robbers' necks were wrung and in some cases the robbers were thrown into iron pots which were then covered with iron lids and the joints were sealed with iron and tin to ascertain whether men had souls. Sometimes robbers were strangled and their bodies were weighed before and after strangulation to find out whether the escape of the souls from their bodies had decreased the weight. Thieves were sometimes buried alive.⁽⁶³⁾ Cutting a robber into a hundred or a thousand pieces with an axe was also common.⁽⁶⁴⁾ According to a Buddhist tale,⁽⁶⁵⁾ a king asked his men to put some robbers in a pit, cover them with bundles of straw and then light them. Their bodies were thus burnt to crisp and then ploughed with iron ploughs. The bodies were ground to bits. We have previously described how condemned criminals were led to the place of execution. The Mrcchakatika and some Jaina works describe the procedure in detail. King Palaka ordered Carudatta who had been found guilty of theft and murder to be conducted to the burning ground to the sound of the drum with the stolen jewels hung round his neck and then impaled.⁽⁶⁶⁾ Generally a large crowd gathered to see the horrible punishment and jeered at the criminal, though in the case of Carudatta, the people sympathised with him. The body of Carudatta was drenched with tears, soiled with dust, covered with garlands of funeral flowers and besmeared with red sandal-paste. Carudatta describes himself thus: The executioners proclaimed his crime and the sentence with the beating of the drum five times in five places.⁽⁶⁸⁾ Manu and Kautilya⁽⁶⁹⁾ also are in favour of

proclaiming the crime of the convict. In the Mrcchakatika, Carudatta had to bear the stake on his shoulder and confess his guilt before the assembled people.⁽⁷⁰⁾ According to the Samarāiccakaha,⁽⁷¹⁾ the hands, feet, ears and nose of a man who stole others' property and killed a man, should be cut off in public places and then he should be put to death. Here is another description of the treatment meted out to thieves and other criminals before their execution.

'The police officers besmeared the entire body of the criminal with soot, grass, red earth, and ashes, his head was crowned with a garland of shoes, he had scarcely any cloth on his person, a garland of Kanavira flowers was hanging from his head, a parasol made of old articles such as winnowing fan, hair, worn-out cloth of goat-hair, etc., was held over him, he was mounted on an ugly white ass, he was surrounded by the crowd while drums were being beaten as he was led in the southern direction to the dreadful execution ground'.⁽⁷²⁾

A somewhat similar description is found in the Upamiti-bhavaprapaṇcāka.⁽⁷³⁾ The robber-chief Abhaggasena was very barbarously treated before being executed. 'He was brought to streets surrounded by the crowd, and his offences were proclaimed. Then the officers brought him to the first square, where they made him sit, and in his presence killed his eight uncles, having beaten them with thongs, made them eat their own flesh which had been cut to pieces of the size of guñjā fruit, and drink their own blood.⁽⁷⁴⁾ And this gruesome tragedy overtakes his other relations'. General-ly speaking, 'theft of an extra-ordinary nature or of the most daring kind was punished capitally in ancient times'.⁽⁷⁵⁾ In fictions, however, theft of small articles like flowers or of some coins was often punished capitally.⁽⁷⁶⁾ Though the śāstras enjoin upon the

king to award punishment according to the gravity of the offences, in practice, this was honoured more in the breach than in observance. Theft and robbery being very frequent and greatly disturbing to the people, severe punishment was probably awarded even in comparatively light offences to serve as a deterrent.

3. Mutilation

Next to death sentence, the most severe punishments were torture and mutilation. According to Nārada, (77) corporal punishment is of ten kinds, which include mutilation, flogging, confinement and capital punishment. Manu (78) prescribes amputation of a hand for stealing more than fifty palas of the articles sold by weight and clothes exceeding ^{^ 185} 50 in number or fifty panas in value. (79)

Manu (79) also says that for stealing a Brāhmaṇa's cow or other animals, the offender shall lose half of one foot. The limb (80) by which a thief or an offender commits a crime shall be amputated. (81)

Manu (81) lays down that the thumb and the index fingers of a cut-purse shall be amputated on his first conviction; on the second, however, one hand and one foot shall be cut off. On the third, he should be executed. According to Nārada, (82) for the first offence, the little finger and thumb of a cut-purse shall be cut off and for his second offence, the first amercement shall be levied on him. According to (83) Kauṭilya, when a person steals at a holy place or acts as a pick-pocket or breaks into a house from the roof for the first time, his thumb and index finger may be cut off or he may be fined fifty-four panas; for a second offence all fingers may be cut off or a fine of one hundred may be imposed; for a third offence, the punishment is cutting of the right hand or a fine of four hundred panas; and for the

fourth offence, the king may inflict death in any way he likes.

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Yajñavalkya (84) says that the tongs of the hands of the petty thief (utksepaka) and the cut-purse (granthibhedaka) are to be cut off for the first offence and a hand or a foot should be amputated for the second offence. (85) Visnu prescribes that a stealer of a cow, or a horse, or a camel or an elephant shall have one hand or one foot cut off. One hand of the stealer of a goat or a sheep shall be amputated. Both hands of a stealer of gold or silver exceeding fifty palas or clothes exceeding fifty in number shall be amputated. The cut-purse (86) shall lose one hand. Nārada prescribes corporal punishment for the stealer of the king's perfumes or garlands or ornaments or clothes or shoes and also for the kidnapper of a maiden.

(87) According to Brhaspati, for taking grass, wood, flowers or fruit without asking the owner's permission to do so, one's hand should be cut off. (88) Kautilya prescribes, as pointed out before, mutilation or fines for some offences. The stealer of cocks, mongoose, cats, dogs, or pigs, of less than fifty-four paras in value, shall have the edge of his nose amputated or pay a fine of fifty-four paras. If these animals belong to either candalas or wild tribes, he shall pay half of the above fine. The stealer of a cart, a boat or a minor quadruped shall have one of his legs cut off or pay a fine of three hundred paras. The stealer of a big animal, kidnapper of a male or female slave or a person who sells the things belonging to a dead body shall be deprived of his two legs or he should pay a fine of six hundred paras. Both the eyes of the stealer of the god's property should be blinded by the application of poisonous ointment or he shall pay a fine of eight hundred paras. Two legs and one hand of a person who causes a thief to be let off or kidnaps a girl or slave possessing

gold ornaments shall be amputated or he should pay a fine of nine hundred paras. A weaver in a government workshop stealing raw materials supplied to them should have his thumb cut off. (89) In the Milindapañho, (90) mutilation and several kinds of torture have been referred to as punishments of gang-robbers, highwaymen and others. According to this work, thieves and robbers were liable to be flogged or beaten or mutilated or their arms and legs might be broken by the king's men. The eyes of the robbers were also plucked out. In a Jataka tale, (91) some people cut off the hands and feet of a thief. When four robbers were brought before a king, he sentenced one 'to receive a thousand strokes from whips barbed with thorns, another to be imprisoned in chains, a third to be smitten with a spear, the fourth to be impaled.' (92) Punishment was probably graded here according to the gravity of offence. For stealing (93) in a merchant's house and imputing the guilt upon an innocent person out of enmity with the latter, a person was condemned by the king to have his tongue cut and his eyes plucked out.

In the Kathāsaritsāgara, (94) the hands and tongue of a thief are cut off. ^{^ Mutilation} Cutting-off of the nose is referred to as a punishment for theft in the Pāncatantra. (95) Alberuni (96) refers to the amputation of one hand and one foot of a ksatriya thief stealing a very valuable object. A king took five palas of flesh from the body of a person who had stolen some flesh from the royal kitchen. (97) In the Jaina canons are found the following punishments most of which were used against thieves and robbers : 'Putting in irons, in fetters, in stocks, into prison, screwing up hands and feet in a pair of shackles and breaking them, cutting of hands and feet, or ears or nose or lips or head or throat-glands, piercing the organ, body

(angacchahiya), the sides, tearing out the eyes, teeth, testicles, or tongue, hanging, brushing, whirling round, impaling, lacerating, pouring acids (in wounds) belabouring with a leather strap, twisting the organ like a lion's tail, burning in a wood fire and exposing the offender to be devoured by crows and vultures'. (98)

4. The Executioners

Something may now be said about the executioners who used to execute the criminals or amputate their limbs. They were generally candālas, Dombas (Domas), Svapākas and Badhataus. (99) According to Manu, (100) they are to kill those who are to be slain by the sentence of law and by the royal warrant. The executioner was an untouchable and was regarded as the lowest among men. He had to live outside a village or town. According to Fa-hian, (101) they were called 'evil men'. Though a candāla executioner was thus contemptuously treated in ancient India, 'the Jātakas know nothing of such a contempt attaching to his position; rather parades and ceremonial processions in which he appeared in front of the king, point to a certain respect which the executioner of the king's commands enjoyed. (102) When summoned, he appeared 'with a hatchet (pharasu) on his shoulder, a thorny rope (Kantakakasaṃ) in his hand, dressed in a yellow robe (Kāsa-ya-nivāsano) and adorned with a red garland'. He also carried with him a block and a bowl, accompanied the procession conducting the condemned criminal to the place of execution, beat the drum and proclaimed the crime of the criminal at various places. He forced the criminal to lie down within the fatal circle (dhammagandikam) and severed his head with the axe or impaled him. (103) The executioner was called Coraghātaka or Kasīviya. (104) According to a Jātaka tale,

'the victim should not address the executioner, nor should the latter ask the victim to address him.' (105) This rule was, however, often violated. (106) The executioners were generally cruel and probably of repulsive appearance. The two executioners in the Mrcchakatika proudly declare : 'In chopping heads we never fail . Nor when the victim we impale.' (107) It was almost unimaginable to ask a favour from them. Their voices sounded like a broken brass cymbal. Yet the two executioners in the Mrcchakatika are quite sympathetic to Cārudatta. They console him, condemn those who have ordered him to be executed, allow his son to come to him, request him to think of things that should be remembered then, deliberately delay his execution and one of them even prays to God to save him. They free him when they become convinced of his innocence by an incontrovertible proof. (108) In Jaina literature, especially in the Samarāṅga-khaṇḍa, the executioners are often very kind and humane. An executioner (a Candāla) who had been struck by the noble appearance of his victim told him that 'they were allowed to satisfy the last wish of their victims before executing them.' He declared himself unable to strike the convict though he had raised his sword to do so. When the king freed that man and wanted to reward the executioner, the latter desired that his people should no longer be engaged as executioners. (109) Thus it is clear that these men did not like their profession which was imposed upon them by Manu and others. Sometimes the condemned criminal was led to the settlement of the Candālas for execution. There the Candāla whose turn it was to execute the criminal would do the unpleasant job. (110) In the Mrcchakatika, (111) the two executioners are found arguing with each other to determine whose turn it is to execute the criminal. In the same book, an executioner advised his

son, not to kill the condemned criminal too quick. For he might be freed even at the last moment in various ways. The executioners could and did exercise their discretion to postpone the execution, whenever something unusual happened. (112)

5. Confiscation of Property and Banishment

Confiscation of property and banishment from a town or country were also wellknown punishments for thieves and robbers. In cases of doubt, an alleged thief was generally banished. (113) According to Manu, (114) if non-Brāhmanas commit grave offences even without premeditation, all their possessions should be confiscated. Kātyāyana says, 'The Mānavas (School of Manu) declare that those [thieves] who are caught [red-handed] with booty should be at once banished [from the kingdom], but this [punishment] is not approved of by Gautama [since it is censured owing to the destruction [or reduction] of people [in the country], (115) (116) Vishnu prescribes banishment for embezzlement of the goods belonging to a corporation. (117) Yājñavalkya prescribes confiscation and banishment for stealing the property of a gana. For sāhasa or theft of the highest degree (i.e. offences encompassing life, etc.), Nārada (118) prescribes, among others, banishment and confiscation of property. Many works refer to banishment as the punishment for the kidnappers and thieves. (119) (120) Nārada prescribes confiscation of the entire wealth of the kidnapper of a woman. Confiscation of wealth in cases of theft and robbery has been referred to in the Milindapañho. (121) The lands of a manager of a temple were confiscated and his residence was pulled down for depriving the temple of its legitimate revenue and defalcating the donations deposited to the treasury by the theins

trustees. (122) According to the Kathāsaritsāgara, (123) the officers of a king cut off the hands and tongue of a thief and then banished him.

6. Branding

Gautama, Viṣṇu and Yājñavalkya (124) prescribe branding with the mark of a dog's foot on the forehead of the Brāhmaṇa thief. But according to Manu, (125) men of all castes who commit grave sins including theft of sacred gold and do not perform the requisite penances, may be branded. Generally a dog's foot was marked on the forehead of a thief. According to Nanda Pandita, (126) the author of the Vaijayantī, branding was to be made with the juice of the marking nut in the case of Brāhmaṇas and in the case of others, with a red-hot iron pin.

7. Mitigation of Punishment

Probably the influence of Jainism and Buddhism mitigated to some extent the vindictive attitude of man to criminals. In the Sāntiparvan of the Mahābhārata, there is an interesting dialogue between king Dyumatsena and his son, prince Satyawat, regarding the necessity of the death sentence. According to Kane, it 'contains some of the arguments forcibly urged in these days by those that are opposed to capital punishment altogether'. According to the prince, punishment should be light even in cases of grave offences because when a robber is sentenced to death, many innocent persons, such as his wife, mother, the father and son would suffer great loss and they might even die. If the offenders would surrender before the priests, swearing before them that they would never commit sin, they might be released after they had undergone some penance. Again if

great men would go astray, punishment should be proportionate to their greatness. The king replied that in former ages when people were good, vocal remonstrances and upbraidings sufficed; but in the later ages (of Kali), corporal punishment and death sentence were essential. Even the fear of death sentence did not deter some people from committing crimes. (127) According to Manu, (128) the death sentence should be prescribed only when the criminals have not performed the prāyascitta (expiation). Both Kāmandaka and Śukra are in favour of avoiding capital punishment in all cases excepting treason. (129)

As pointed out before, Asoka tried to mitigate the rigours of punishment in various ways. Nārada (provides a humane rule that even when the king orders the confiscation of all the property of an offender, he should not deprive the offender of the tools of his trade or the tools of his craft. (130)

8. Fine and other punishments

The most common punishment for theft and robbery was fine. Fines were of three kinds : (1) prathama sāhasa (First amercement), (2) madhyama sāhasa (Middling amercement), and (3) uttama sāhasa (highest amercement). (131) According to Sankha-Likhita, (132) fines from 24 to 91 paras form the first amercement, from 200 to 500 paras, the middling, from 600 to 1000 paras, the highest amercement. Fines were to be imposed, according to him, in proportion to the value of the matter in dispute or to the injury caused. According to Manu and Viṣṇu, (133) the first, middling and highest fines are 250, 500 and 1000 paras respectively. Yājñavalkya, (134) however, puts these at 270, 540 and 1080 respectively. The Mitākṣarā (135) explains the lesser

figures of fine in the Manusamhita as representing the fines to be awarded for offences committed without set purpose. According to (136) Nārada, 100 paras is the lowest fine for the lowest kind of sāhasa, 500 is the lowest fine for middling sāhasa and 1000 paras is the lowest fine in the highest amercement (which may include death penalty, banishment, confiscation of property, etc.) Else- (137) where Nārada says that the self-Existent has fixed 24 paras as the first (or lowest) fine, 200 to 400 paras as the middlemost fine and 500 to 1000 paras as the highest fine for robberies. While des- (138) cribing the fines to be awarded in cases of sāhasa, Kautilya lays down that fines ranging from 12 to 96 paras form the first amercement, 200 to 500 the middling and 500 to 1000 the highest (139) amercement. According to Vijnāneśvara, when the metal of coins in which the fines are to be paid are not mentioned in the verses of the Manusamhita, the paras (coins) should be regarded as of copper. Bhāruchi, (140) however says that these are of gold. According (141) to the Vyavahāra Mayūkha, in all texts about fines, the figure of a fine always refers to paras. A para is a copper coin weighing one karsa which is one fourth of a pala. Kāṭyāyana says that 'what- ever figure of a fine is prescribed in the smṛti texts for a wrong, it is to be paid to the king in paras of copper or their equivalent. Where the fine is said to be one-fourth or one half of a māsa, there it is a golden māsa that is meant; when the fine is declared in māṣas, they are to be understood as those of silver and where the fine is declared in kṛṣṇaḥas, the same is to be understood; a māsa is 1/20th of a karsāpara'. (142) Nārada (143) says that the wise have declared theft to be three fold according to the value of the stolen articles which may be of small, middling or superior value. Earthen

ware, a seat, a conch, bone, wood, leather, grass and the like, legume, grain and prepared food are called articles of small value. Articles of middling value are clothes except silken ones, animals except cows and bulls, metals except gold, and rice and barley. Gold, jewels, silk, women, men, cows, elephants, horses, property of the Brāhmanas and temples and the king are termed articles of superior value. Nārada further lays down, 'That series of punishment which has been ordained by the wise for the three kinds of sahasā, is equally applicable to theft, according as it concerns one of the three species of articles in their order'.⁽¹⁴⁴⁾ Fines prescribed by Nārada⁽¹⁴⁵⁾ for various kinds of sahasā have been referred to before. For stealing articles of small value like those made of cane and bamboo, raw cotton, milk, curd, salt, fish, butter, meat, honey, grass, etc. a fine twice, thrice or five times the value of the stolen articles should be paid by the offender.⁽¹⁴⁶⁾ For stealing very valuable articles sold by weight or measure or tale, a fine eight times their amount shall be paid by the thief. From stealing commodities usually sold by weight, gold, silver, fine clothes, etc. less than fifty palas, eleven times the amount stolen shall be paid.⁽¹⁴⁷⁾ The highest fine shall be paid for forcibly seizing large domestic animals, the middlemost for stealing cattle of middle size and the lowest for stealing small cattle.⁽¹⁴⁸⁾ For stealing grains less than ten kumbhas, the thief must be fined eleven times as much.⁽¹⁴⁹⁾ In all these cases, the thief had to return the stolen property to the owner. According to Manu,⁽¹⁵⁰⁾ the stealer of the water-pot or the rope from a well shall be fined a māsa of gold. For stealing flowers, green corn, shrubs, creepers, small trees or other vegetables, enclosed by a hedge, fine of five raktikās of

gold or silver shall be paid. But he who steals corn, pot-herbs, roots and fruits unenclosed by a fence, should pay a fine of a hundred paras if he has no relation with the owner. If, however, he has some relation with the owner, he should be fined fifty paras. For stealing grains, fruits, roots, etc., when they are prepared for use, the king should levy the lowest amercement. The same fine shall be paid for stealing fire from a temple or room. (151)

(152) Manu asks the king to punish the stealer of large beasts, weapons, medicines and implements of husbandry after considering the time and purpose for which they are destined. It means that the king should know whether the weapons are stolen before and during a combat, or medicines are stolen from a sick man or whether a plough is purloined in the season of ploughing. In such case, the punishment must be heavy. According to Brhaspati, (153) for injuring or stealing cattle, clothes, food, drink, or household utensils, the thief shall pay a fine of not less than two hundred paras. For stealing women, men, images of god, gems, the property of a god or Brahmana, silk and other valuable things, the thief shall pay a fine equal to the value of the stolen article or the double amount shall be exacted as fine.

(154) Kautilya prescribes fines for various kinds of theft and robbery. If government servants steal ordinary articles or necessities of life from manufactories or if they seize articles of small value, they shall be punished with the first amercement. For seizing articles from manufactories or from the granary of the king, the following fines are prescribed by him :

Value of stolen property

in māsas and panas :

(16 māsas = 1 pana)

				Fines (in <u>pana</u> s)
Upto	4 <u>māsa</u> s	...	...	12 <u>pana</u> s.
"	8 "	...	...	24 "
"	12 "	...	...	36 "
"	16 "	...	...	48 "
"	2 <u>pana</u> s	...	...	First amercement.
"	4 "	...	...	Middle "
"	8 "	...	...	Highest "

If any government servant steals from government court-yards, shops, arsenals, things like raw materials, manufactured articles, etc., of half the above value, he should be punished as above. If any person steals articles of 1/4th of the above value from royal treasury, granaries, offices of superintendents, twice the above fines should be exacted. Kautilya prescribes various fines for stealing gold by the artisans in the government factory. For lowering the quality of a coin less than the standard of a māsa, the artisan shall be punished with the first amercement. Middlemost amercement shall be imposed when its weight is less than the standard weight. Deception in balance or weight is to be punished with the highest amercement. Similar will be the punishment for deception in the exchange of manufactured coins. (155)

If a goldsmith steals silver equivalent to the value of a māsa from a silver dharana, he shall be fined twelve panas. For removing the whole amount of gold (karsa) from a suvarna by the apasāraṇa method or by any other deceitful combination (yoga) a goldsmith shall be punished with a fine of five hundred panas. (156)

For the defalcation of government revenue, an officer is to be fined, according to Kautilya, (157) twelve times the amount stolen. When a case of embezzlement is detected, all persons concerned such as the treasurer, the prescriber, the receiver, the payer, one who caused the payment, the ministerial servants of the officer will each be separately examined. If anybody lies, he should be punished as the real culprit. When an officer is involved in a number of offences and when his being guilty of parokta in any one of them has been established, he shall be answerable for all those offences. When it is not established, the officer shall be tried for each of the charges. When it is proved that a government servant has misappropriated a part of a large sum, he shall be answerable for the whole.

For stealing articles in daytime from threshing floors and fields as well as houses and shops belonging to 'the other areas', (bāhya), a government servant shall be punished in the following way:

<u>Value of stolen property:</u>			<u>Fine or other penalties :</u>	
Upto	4 <u>masas</u>	... 3 <u>panas</u>		The thief's body shall be smeared with cow-dung.
"	8 "	... 6 "		The thief's body shall be smeared with the ashes of cow-dung.
"	12 "	... 9 "		The thief's body may be smeared with cow-dung ashes or an earthen pan with blazing light or a girdle of earthen pans may be tied round his neck or loins.
"	16 "	.. 12 "		The head of the thief shall be shaved or he shall be banished.
"	2 <u>panas</u>	.. 24 "		The thief's head shall be shaved or he shall be driven out of the country by pelting bricks at him.

405
-: 375 :-

<u>Value of stolen property:</u>		<u>Fine or other penalties :</u>
Upto 4 <u>paras</u>	... 36 <u>paras</u>	In all these cases, the thief shall be paraded through the streets and his crime proclaimed to the beating of a drum.
" 5 "	... 48 "	
" 10 "	... First amercement	
" 20 "	... 200 <u>paras</u>	
" 30 "	... 500 "	
" 40 "	... 1000 "	

For seizing articles worth half the above values by force during the early part of the day or night, a man shall pay double the above fines. For seizing articles of 1/4th the above values by force with weapons in hand whether during the day or night a man has also to pay the same fines (i.e. double the above fines). (158)

U.N.Ghoshal rightly points out, "Theft of the royal merchandise (rājapanya), belonging to 'the royal areas' (rājaparigraha) was punished with disproportionate severity as compared with theft by stealth in daytime from threshing floors and fields as well as houses and shops belonging to 'the other areas' (bāhyā). (159)" For stealing wild beasts, cattle, birds, elephants, tigers, fish or any other animals confined in traps, fences or pits, a thief shall pay a fine equal to the value of the animals stolen. When a person steals beasts or raw materials from forests, he shall be fined a hundred paras. He who steals or destroys dolls, beasts, or birds from infirmaries, shall pay twice the above fines. For stealing articles of small value from artisans, musicians, or ascetics, the thief shall pay a fine of a hundred paras and for stealing big articles or agricultural implements, he should pay double the above fine. For stealing anything under the tumult of a quarrel a person shall be punished with a fine of ten paras. (160)

(161)

Kautilya next describes in detail the fines to be levied for seizing articles by force. The school of Manu, says Kautilya, prescribe a fine equal to the value of the precious stones and superior or inferior raw materials when directly seized by the robber. The followers of Usanas, however, are in favour of levying a fine equal to twice the value of the articles seized. Kautilya holds that the fine shall be levied according to the gravity of the crime. For seizing articles of small value like flowers, fruits, vegetables, roots, turnips, cooked rice, skins, bamboo and earthen wares by force, the robber shall pay a fine that may range from twelve to twenty-four panas. In case of seizure of valuable articles (like iron, wood, etc.) by force, the fine may range from twenty-four to forty-eight panas. For seizing commodities of still greater value like copper, brass, bronze, etc., a fine ranging from forty-eight to ninety-six panas shall be levied. In case of seizure of big quadrupeds, men, fields, horses, gold, gold coins, fine fabrics, etc., the fine shall range from two hundred to five hundred panas. For keeping or causing others to keep men or women in captivity, Kautilya's preceptor prescribes a fine that may range from five hundred to one thousand panas. In all kinds of fines below a hundred panas, the king shall also take eight percent more as rūpa and in fines above one hundred, five percent more as vyāji.

(162)

Kautilya holds that for the first offence one shall be punished with the first amercement; twice as much is prescribed for offences committed for a second time; thrice as much for the third time; and for offences committed for the fourth time, any

punishment may be inflicted. If a paramour of a prostitute steals her jewelery or money, he should be fined eight times the value or amount. (163)

(164)

According to the law-texts, thieves and robbers should first restore the stolen articles and then suffer the due punishment.

(165)

The Mahābhārata refers to fine as a punishment for theft. As pointed out before, in the Gupta Kingdom, according to the testimony of Fa-hien, criminals were fined lightly or heavily according to circumstances. The village committees of Uttaramerur punished most offences including murder only by fines. The guilty had often to bear the expenses of keeping a perpetual lamp in a temple. (166)

Any inhabitant of Valla-nādu found guilty of robbing or capturing the cows of the cultivators, had to assign two mā of wet land to the temple by way of a fire. (167)

(168)

According to Āpa-stamba, if a person unintentionally takes fuel, water, roots, flowers, fruits, perfumes, fodder or vegetables of another, he shall be reprimanded. But if he takes them intentionally, his garments will be taken away.

(169)

The privileges granted to the gift lands often included sahya-das'-āparādha and sa-caur-oddharana. One of the ten offences was theft. The expressions mentioned above probably suggest that the fines for the ten offences and fines realized from thieves shall be taken by the donee. The officer called cauroddharanika seems to be responsible for the recovery of stolen goods for theft. Kautilya (170) prescribes various fines for cheating.

(172)

According to Alberuni, sometimes a thief was exposed to public shame and ridicule. According to Megasthenes, 'If one is guilty of a very heinous offence, the king orders his hair to be cropped, this being a punishment to the last degree in famous'.⁽¹⁷³⁾

Sukra prescribes⁽¹⁷⁴⁾ imprisonment for life for repeating an offence more than three times. According to Narada,⁽¹⁷⁵⁾ when a culprit confesses his crime, he should get half of the due punishment but if he conceals his offence, he should be heavily punished.

Yājñavalkya⁽¹⁷⁶⁾ holds that in a case of robbery, a fine twice the value of the thing taken away shall be imposed but when the offence is denied by the robber, the fine shall be fourfold. Imprisonment was another kind of punishment for theft.⁽¹⁷⁷⁾

9. Punishments According to Castes, Sex, Age, etc.

An observation of Megasthenes shows that laws were made on the basis of equality of all men in India.⁽¹⁷⁷⁾ In practice, however, punishment varied according to the status and caste of the offender. Generally the Brāhmanas were not subjected to severe physical torture and death-sentence. They also enjoyed some special privileges. The smṛtis, however, point out that as the sin of a guilty Brāhmaṇa is greater than that of a śūdra, his spiritual punishment in the other world will be heavier.⁽¹⁷⁸⁾ At least in the case of theft, the higher castes were more heavily fined than the Śūdras. Gautama lays down that if a Śūdra steals an article, he must pay eight times its value and in the cases of other castes, the fines must be doubled. In the case of a learned offender, the punishment shall be much increased.⁽¹⁷⁹⁾ Manu⁽¹⁸⁰⁾ prescribes almost similar fines. Alberuni⁽¹⁸¹⁾ also says that the Brāhmanas were more severely punished than the Ksatriyas. The Satapatha

Brahmana, (182) Taittiriya Samhita (183) and the Atharva Veda (184)

are, however, in favour of dealing leniently with the Brahmanas.

(185) Gautama says that the punishments for a Brahmana criminal are: preventing him from repeating the crime, confiscating his wealth, taking sureties from him, proclaiming him as a thief in the city, banishment, branding his forehead with the mark indicative of his crime.

In the Jaina literature, 'the offender of the warrior class was punished with the cutting of the hands or legs or head or he was impaled or killed by one stroke of the sword or he was killed as a snared animal. The offender of the householder class was enveloped in a heap of bark, or husk or chaff and burned to death. The offender of the Brahmana class was taunted in disagreeable terms and was branded with the mark (lacchana) of a pot (kundiya) or a dog (sunaga) or was banished. The offender of the class (186) of monks was admonished in not very unpleasant terms. According to Gautama, (187) a pious and learned Brahmana should not be subjected to corporal punishment, imprisonment and banishment. He must not be fined, reviled or excluded. According to Vasistha, 'No guilt taints a Brahmana who possesses learning, practises austerities and daily mutters sacred texts though he may constantly commit sinful acts'. (188) Possibly Vasistha here means purity of soul and not immunity from punishment. (189) Baudhayana lays down that the sign of a jackal should be impressed on the forehead of a Brahmana guilty of stealing a Brahmana's gold and then he should be banished. (190) Vishnu prescribes that a Brahmana thief should be branded with the mark of a dog's foot on the forehead. He should be shorn, his

offence publicly proclaimed, and himself mounted upon an ass and led about the town should be banished from his country. Though convicted of all possible crimes, a Brahmana, according to Manu, (191) shall never be executed. He shall be banished unhurt with all his property. Manu further says, ⁶For crimes by a priest (who was known to have a good character before his offence), 'the middle fine shall be set on him; or (if his crime was premeditated), he shall be banished from the realm, (taking with him) his effects and his family'. But if men of other class commit the same offences ever without premeditation their entire wealth should be confiscated and, if their crimes were premeditated, they shall be corporally, or even capital-ly punished, (according to circumstances). (192) (193) Nārada and Yājñavalkya (194) also recommend branding and banishment. According to Brhaspati, (195) when a religious man and diligent reader of the Vedas is found guilty of theft, he shall be imprisoned for a long time. He should restore the stolen goods to the owner and then perform a penance. Another version of this verse says that punishment is not necessary if he performs a penance.

The Brahmana thieves who are very strong shall be guarded with iron fetters, fed on meagre food and compelled to do hard labour for the king till their death. According to Yama, (197) the king may force a Brahmana offender to guard cattle for a month or fifteen days or to do other works unfit for a decent Brahmana. Manu (198) lays down that when a man belonging to the military, or commercial or servile class, is unable to pay a fine, he shall discharge the debt by his labour; a priest should discharge it by little and little.

According to the Mahābhārata, (199) a Brāhmaṇa who has contact with Brahman through concentration and austerity is never punishable. He is not to be punished as he preserves the Vedas. Only a Brāhmaṇa who does not follow the rules of his caste can be punished by the king. (200) According to Gautama and Manu, (201) men of the three higher castes may take grass, fuel-sticks, flowers of trees and plants for feeding cows and for the worship of fire from any place as if they were their own property and also fruits of unenclosed trees. It means that they were not liable to any punishment for these actions.

According to Āpastamba, Kautsa, Hārīta, Kaṇva and Puskara-sādi laid down that 'whatever (however trifling or in whatever circumstances) a man took without the consent of the owner, he became a thief.' But the same authority points out that Vārṣṭyāyani mentioned some exceptions to this rule : 'Owners should not forbid the taking (of a small quantity of) grain in pods (such as mudga or māsa) or grass for bulls yoked to carts, but that if large quantities even of these were taken there would be theft.' (202) As

pointed out before, Brhaspati prescribes mutilation for taking grass, wood, etc., without the permission of the owner. The Mitaksara (on Yājñavalkya, II. 166), Aparārka and others (203) hold that this applies to persons other than the members of the three higher castes or this refers to the taking of those objects by a man capable of securing them easily or this may also be applicable to the case of a man who has taken them not for the use of cows or for worship.

(204)

According to Manu, any twice-born sacrificer and especially a Brahmana may take any article necessary to complete the sacrifice perfectly, from a vaisya who inspite of possessing considerable herds neither sacrifices nor drinks the juice of the soma plants. Two or three of such necessary articles may be taken from the house of a Sudra. Such things may also be taken from the house of a Brahmana or a Ksatriya who does not perform a sacrifice.

A Brahmana who has fasted for three days may take on the fourth morning grain sufficient for a day from a man who behaved basely by not offering him food. Though he may take it from the threshing floor, or from the field, or from the house, or from any place, he should declare if the owner demands, the cause of his taking them. Though a ksatriya should never seize the property of a virtuous Brahmana, he may take in an emergency goods of any man who acts wickedly or does not perform the religious duties. A pious king should not fine a Brahmana for taking those things for it is the king's folly that causes the hunger or wants of a Brahmana. But a Brahmana should not take the things mentioned above when there is no real necessity. Vyasa (205) permits a man to steal when he has no food first from a person of a lower caste, then from one belonging to his own caste and lastly from a person of a higher caste.

(206) Manu further lays down that a twice-born traveller having scanty provisions may take only two sugar canes, or two esculent roots from the field of another man.

For committing the same offence for which an ordinary person is tortured, the Brahmanas, persons⁸ learned in the Vedas and ascetics, according to Kautilya, (207) should only be subjected

to espionage. According to a translator⁽²⁰⁸⁾ of Kautilya, these people shall be arrested by the spies and then paraded here and there. Kautilya⁽²⁰⁹⁾ lays down that a Brāhmaṇa shall never be tortured. According to the Lohitasmr̥ti,⁽²¹⁰⁾ a wicked Brāhmaṇa thief killing many persons at the time of his arrest should be imprisoned and belaboured for a year and then released uninjured. Then he shall be mounted on an ass and paraded through the streets, his crimes being proclaimed to the public. Lastly, he should be banished. But an ordinary thief for a similar offence shall be put to death. The Pali texts know of no privileged position of the Brāhmaṇas in the eye of the law; rather the statement of the Madhura Sutta that a criminal, no matter whether he is a Brāhmaṇa or belongs to any other caste, would be executed, appears in a number of passages of the Jātakas where one speaks of the execution of a Brāhmaṇa.⁽²¹¹⁾ A priest found guilty of robbing the purse of a merchant containing one thousand coins was ordered by the king either to receive one hundred lashes or to swallow human excreta. The priest after receiving a few lashes decided to swallow excreta. Soon he asked for the lashes again. Thus he had to suffer both⁽²¹²⁾ punishments and his whole property was confiscated. The⁽²¹³⁾ Mrcchakatika also shows that a Brāhmaṇa was ordered by the king to be impaled on the charge of theft involving murder. As already described, some councillors advised a king to torture a⁽²¹⁴⁾ Brāhmaṇa thief to death. Though generally the Dharma-sāstras claim immunity from corporal punishments for learned and virtuous Brāhmaṇas later on all persons belonging to the Brāhmaṇa caste claimed this immunity and it depended upon the pleasure of the

king to grant it or not. As we shall see later, comparatively severe penances were prescribed by the śāstras for offences to Brāhmanas' property. At the time of administering oath and ordeal, too, some advantages as shown before were given to the higher three castes, especially to the Brāhmanas. (215)

An eminent scholar remarks :
'It is not unreasonable to suppose that the atrocious penances and frightful punishments prescribed in the Dharmasūtras for serious offences against the Brāhmana's person and property . . . mark a desperate attempt of the priestly order unsupported by any material force to maintain its privileges intact. To appreciate the claims of the Brāhmanas at their face value, it is necessary to remember that the period of the Dharmasūtras coincided with the rise of a number of heretical sects of which those founded by Vardhamāna, Mahāvīra and Gautama Buddha became the most famous.' (216)

Generally, women were lightly punished. According to Kātyāyana, 'In the case of all offences, women are to suffer half of the fine in money which is prescribed for a male offender (of the same kind) and when the punishment is death for a male, the punishment for a woman would be the excision of a limb'. (217)

According to Manu, 'For women, children, persons of crazy intellect, the old, the poor, and the infirm, the king shall order punishment with a small whip, a twig or a rope'. (218)
According to Sāṅkhya, (219) a child below five should not be punished for any act done by it. A Pāncatantra story quotes this verse :

Slay not a woman, Brāhmana, child,
An invalid or hermit mild :
In case of major dereliction,
Disfigurement is the infliction'. (220)

In some Jaina canons we find a story where a pregnant woman guilty of theft was ordered by the king to be executed after her delivery. Generally speaking, consideration of sex, age and caste, often led to lighter punishment. (221)

10. Persons Securing Pardon For Offenders

A spiritual guide, an officiating priest, a śrāta and a prince can save a criminal, according to Āpastamba, (222) from punishment in all cases except in a case of capital offence. (223) Gautama states that an assemblage of persons learned in the Vedas can pardon a criminal. According to the Milindapañho, (224) high-ranking influential officers can save a robber from execution and the latter may be let off after amputating one of his limbs. (225) In the Daśakumāracarita, a high officer pardons the thief named Purnabhadra and offers him service under him.

11. Punishment for abettors

Abettors of thieves and robbers were also severely punished. According to Gautama, (226) a person who knowingly becomes the helper of a thief, should be treated as a thief. The receiver of a stolen thing shall be similarly treated. Manu (227) prescribes death for those who give food or implements or shelter to robbers. In another verse Manu says that persons who give thieves fire, food, arms, apartments or knowingly receive stolen things should be punished as thieves. According to Nārada, (228) if persons able to arrest thieves, allow them to escape, they should also be treated as thieves. Yajñavalkya and Kautilya, (229) say that an abettor shall be punished with the highest amercement.

Kautilya also says that if a person assists a thief under ignorance, (230) he shall only be censured. According to Yājñavalkya and Kautilya, a man who incites another to crimes of violence should suffer double the punishment to be inflicted on the perpetrator himself and four times is prescribed for one who incites another by assuring him of the necessary monetary help. According to Brhaspati, (231) persons who begin an offence or abet its commission shall receive half the punishment to be inflicted upon the wrongdoer. (232)

Kautilya (232) cites the opinion of the School of Brhaspati which hold that if an abettor promises to pay certain amount of gold to a man for committing a crime, he should pay the promised amount of gold and also a fine. According to Kautilya, (233) if the abettor tries to minimise his crime by pleading anger, intoxication or loss of sense, he should get double of four times the punishment to be inflicted upon the perpetrator in consideration of the gravity of the abetment. Probably helping one to escape from prison was also regarded as abetment. (234) (235) Kautilya also says that for concealing a thief, a man should be punished as a thief. Kautilya (236) further lays down that a female abettor of a thief shall have her ears and nose cut off or pay a fine of five hundred panas. A male abettor shall pay double the above fine. Sons and wives of a thief, if (237) found to have been in concert with him should also be seized.

The punishments to be inflicted for possessing or selling others' articles may now be described. (238) Visnu, Manu, Yājñavalkya, Nārada and Brhaspati state that if a buyer does not purchase a thing in the open market, but from a man who has no means of possessing it, if he purchases it at an inadequate price or at an unusual hour or from bad men, he should be punished as a thief.

According to Vismu, if the buyer purchases an article in the market from a person who is not the owner, through ignorance, he should return the article. According to Manu, Kautilya and others, such a buyer can free himself only by producing the vendor. If the vendor fails to produce the man from whom he purchased the thing, he shall pay its price to the buyer and a fine to the king. The owner will get his thing back. If the purchaser cannot produce the vendor, he should pay the price of the article to the owner and a fine to the king.

According to Manu, if a person sells an article which does not belong to him and if he happens to be a member of the family of its owner, he should be fined six hundred paras while a vendor who is not connected with the owner's family, should be punished as a thief. The same rule will be applicable to a vendor who sells another's thing through ignorance or mistake and to a man who does so knowingly. The owner must prove his claim before getting his article back. If the buyer purchases an article before traders and king's officers from a vendor whose habitation is unknown or if the vendor dies after the purchase, the owner may recover the thing after paying half the price to the buyer. If a man takes a stolen or lost article without informing the king, he should be fined sixteen paras. (239) Kautilya (240) says that if a person having taken some stolen property runs away or conceals himself till the property is wholly consumed, he shall have to pay the value of it and suffer punishment for theft. In Upamitibhavaprā- (241) pañcakathā, a merchant was condemned to death for knowingly purchasing a stolen article. According to Kautilya, (242) when

goldsmiths buy without informing the government, silver or gold articles from unclean (slaves or servants) hands and change their form, or purchase the same and change their form (i.e. by melting) they shall pay a fine of twelve or twenty-four paras. For purchasing the same from a thief, they shall be fined forty-eight paras. For buying an article at an inadequately price after melting it in secret, they shall suffer the punishment for theft.

12. Penance

The idea of sin as making one impure led to the idea of penance (prāyascitta or prāyascitti) which, it was believed, would remove the guilt. For some serious crimes like theft of gold, etc., both penance and punishment were prescribed in ancient India. According to Viṣṇu, ⁽²⁴³⁾ as life, religious merit and pleasure depend upon wealth, a man who injures it must be punished heavily. Sometimes in petty cases of theft, the criminal had to undergo the penance only. Prāyascitta was known even in the Vedic times. The Sāmavidhāna Brāhmaṇa ⁽²⁴⁴⁾ refers to a mild penance for theft. According to Hopkins, at first the priests made some rules for offences that might be committed by them 'which vary from slight fasting and singing (repeating) certain texts magically potent to relieve a sufferer of sorrow or sin'. These came to be known as prāyascitta which was also included in the law codes of later times. There too these were 'really meant for the priests who alone are in a position to carry out the singing and reciting required. Though they were at first meant for the priestly class alone, 'in the law codes they supplant the royal criminal code, primarily in the case of priests; but secondarily, by an extension of this exemption, they applied to

others. But in that case it is obvious that penances to be effective must be equal to the legal penalties, and in this way were introduced the horrible penances entailing death'. The only difference between legal punishment and penances, according to Hopkins is that in the first case the king inflicts the punishment and in the second case, the penalty is self-inflicted. (245) According to Manu, (246) if a person undergoes the prescribed penance for his offence, the king should punish him less severely. It was controversial whether the sin was actually destroyed by performing the penance. According to Manu, 'Some of the learned consider an expiation as confined to involuntary sin, but others, from the evidence of the (Veda) hold it effectual even in the case of a voluntary offence'. (247) (248) Manu, however, lays down that a sin, if committed, involuntarily is removed by repeating certain texts of the scripture; but a sin committed intentionally, can be removed only by harsh penances of different sorts. (249) Yājñavalkya seems to imply that the performance of penances cannot save a person who commits sin knowingly from going to hell. But performance of penance enables a person to purify himself, to recover the composure of his soul and to associate with other members of the society. In earlier times it was believed that penances or punishment entailing death removed the sin of a man accused of grave crimes. In later times, however, less severe penances or punishment was deemed sufficient. Penance were probably compulsory for the Brāhmanas who generally received mild punishment. The main object of the penance was to make the culprit conscious of the gravity of his offence and to make him repentant. This certainly served as a deterrent in those ages when crimes were many, but police and

judicial arrangements were inadequate. (250) A modern scholar, (251) however, holds that the Hindu modes of expiation of sins show their magical character alone and have nothing to do with true repentance. This theory seems to be unwarranted.

The prāyaścitta to be undergone by a person was selected after carefully considering the time, place, age, caste, capacity, learning, wealth and also the fact whether the lapse was intentional or unintentional or whether it was a case of repetition or not. (252) Generally, a man eighty years old or a boy below sixteen, women and diseased persons were liable to half the prāyaścitta prescribed for able-bodied persons. Viṣṇu lays down that 'the prāyaścitta for a Kṣatriya, Vaiśya and Sūdra sinner should be respectively $\frac{3}{4}$, $\frac{1}{2}$ and $\frac{1}{4}$ of what is prescribed for a Brāhmaṇa sinner'. (253) In the case of theft by force (robbery) penances will go on increasing, e.g. twice and thrice respectively according as the criminal is a Kṣatriya or Vaiśya. If a Brāhmaṇa's gold or wealth is stolen clandestinely by a Kṣatriya or Vaiśya, the penance must be higher than that for a Brāhmaṇa, thief because as Nārada points out, the wealth of idols, Brāhmaṇas and Kings is sacred. But Viṣṇu's rule regarding Prāyaścitta, as mentioned above was applicable when the owner of the stolen property was of lower class than the thief. (254) According to Mitākṣara on the Yājñavalkya smṛti (III. 293), for committing a sin intentionally, the penance is double of what is prescribed for unintentional commission of the same sin. If a sin is committed knowingly and is repeated, the prāyaścitta will be four times of what is prescribed for the same sin committed unintentionally. Manu, Vasīṣṭha, Viṣṇu and others (255) lay down that Vedic students, forest hermits and sannyāsins have respectively to undergo twice, thrice and four times

as much penance as is prescribed for householders. Prāyaścittas were of two kinds, open (prakāśa) and secret (rahasya). In the first case, the guilty, when his guilt had become known to others, should go to a parisad with some present and announce his lapse and seek its decision. Secret penances are prescribed for those who have consecrated the Vedic fires and who are old disciplined and learned. (256)

The procedure of undergoing prāyaścittas as described in the digests may be described thus: 'On the day previous to the actual day of commencing penance, the sinner should pare his nails, shave his head, bathe with clay, cowdung, holy water etc., drink clarified butter, make a declaration of performing the penance indicated by the assembly of learned men. On the next day he should bathe, perform śrāddha, drink pañcagavya, should perform homa, give dakṣiṇā (gold, cows etc.) to the Brahmanas and feed them.' (257)

According to Manu, during all penances the sinner should remain pure in body and mind. Angiras, Parāśara and others (258) require that only two finger-breadths of hair of married women and maidens undergoing penance, should be cut off. According to Manu (260) tonsure of head is necessary in the case of learned Brahmanas and kings only when they are guilty of grave sins. According to Apastamba, (261) a thief shall go to the king with loosened hair, carrying a club on his shoulder and proclaim his deed. If the king strikes him dead with that club, his sin will be expiated and the guilt will fall upon the king who pardons him. Gautama (262) holds that the thief whether slain or discharged will be free from sin. (263) Vasistha introduces some innovations. According to him, when a man after stealing the gold of a Brahmana, comes to the king,

proclaims his crime and asks for punishment, the king shall give him a club made of udumbara wood and with that the thief should kill himself.

He will become pure after death. This looks like a pure penance as the punishment is here self-inflicted. The method of Āpastamba may be called either penance or legal punishment. The thief, according to Baudhāyana (264) shall carry on his shoulder a club made of sindhra wood and say to the king, 'strike me with that'. Whether he is punished or pardoned, the thief becomes free from sin. (265)

(266)

Manu provides that a thief should carry on his shoulder a pestle of stone, or a club of khadira-wood, or a javelin pointed at both ends, or an iron mace. According to Nārada, (267) the king should touch the thief (with a club) or dismiss him if he is innocent. The thief is freed from sin by his confession of guilt. Thus penance gradually became more humane. In all cases, it should be noted, the thief had to restore the stolen property. (268) (269) Manu says that the twice-born man who wants to remove by austere devotion the guilt caused by stealing gold should perform in a forest, covered with a mantle of rough bark the penance prescribed for killing a Brahmana without malice prepense. He should make a house in a forest and live in it for twelve years subsisting on alms to purify his soul. (270) According to Yājñavalkya, (271) twice-born men may expiate this sin by giving as much gold as his own weight or sufficient wealth for the maintenance of a Brahmana's family upto his death. For theft or for theft of gold, other penances are also prescribed. According to Āpastamba, (272) the offender may throw himself into the fire or perform severe austerities repeatedly or shorten

his life by reducing daily his portion of food or perform a krcchra penance for one year without any interruption. He also quotes a verse according to which for committing theft a person shall eat every fourth meal-time a little food, bathe in the morning, noon, and evening and pass the day standing and the night sitting. He will be free from guilt after three years. Vasistha (273) prescribes that a stealer of a Brāhmaṇa's gold should shave his head, be smear his body with clarified butter, and cause himself to be burnt from the feet upwards, in a fire of dry cowdung. He becomes pure after death. According to Viṣṇu, (274) any of the mortal sinners may be free from sin by swallowing barley-gruel sanctified by various mantras for seven days or by swallowing barley corns dissolved in the excrements of a cow sanctified by mantras for twenty one days. According to Sāṅkha, (275) a man guilty of the theft of gold should live in a forest, proclaim his misdeed and eat only once a day. The digests contain numerous and varying expiations for theft depending upon the weight of the gold stolen, the qualities of the man robbed, etc. (276)

(277) According to Viṣṇu, for stealing gold unconsciously a person should perform Mahāvratā for 12 years. This penance is also prescribed for knowingly appropriating a deposit. (278) For knowingly stealing grain or valuable objects, the Krcchra or prājāpatya penance shall be performed. While performing this penance, the penitent shall eat only in the evening for three days, only in the morning for another three days, shall eat food given to him unsolicited for a period of three days and also fast for three days. (279) The Cāndrāyana penance is prescribed for stealing

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male or female slaves (not belonging to a Brāhmaṇa) or for seizing
(280)
a well or pool or a field. This is described thus: The sinner
should eat single mouthfuls of food and during the moon's increase
add successively one mouthful everyday so as to eat fifteen mouth-
fuls on the day of the full moon, and during the wane of the moon
should take off one mouthful everyday. On the day of the new moon
(281)
he should fast entirely. For stealing articles of small value
(e.g., tin, lead not exceeding twenty-five panas in value) the
penitent should perform the Sāntāpana penance. (282) The sinner
should subsist on cows urine, cow-dung, milk, sour-milk, butter and
water in which Kusa grass has been boiled, for one day and fast for
the next day and night. One who steals sweetmeats (rice etc.),
food (milk etc.), drinks, a bed, a seat, flowers, roots, or fruits
(283)
should drink pañcagavya. Fasting for three days is prescribed
for stealing grass, fire, wood, trees, rice in the husk, sugar,
(284)
clothes, skins or flesh.

One should eat grains separated from the husk for twelve
days for stealing knowingly valuable stones, pearls or coral,
(285)
copper, silver, iron or white copper. The penitent should fast
for three days for stealing two-hoofed or one-hoofed animals and
for one day for stealing birds, or perfumes or medicinal herbs or
(286) (287)
cords or basket-work. According to Manu, one should only
drink milk for three days for stealing cotton or silk or wool or a
beast with cloven or uncloven hoofs, or a bird or perfumes, or
medicinal herbs or cordage. For stealing from a Brāhmaṇa, gold less
than eighty raktikas or gold of any weight from a Kṣatriya or any
non-Brahmana, one should perform the penance prescribed for an

upapātaka. ~~She~~ ^{He} sinner should stay in a forest for three years subsisting on alms and observing celibacy. He should also donate one hundred cows together with a bull or he may subsist on milk alone for a month. He may also perform the cāndrāyana penance. (288)

Gradually more humane and easier penances were prescribed and penances which might cause loss of life were discouraged. Sinners unable to undergo hard penances were allowed to donate a cow or its price to a Brahmana or to recite the Gāyatrī-mantra or some Vedic hymns for a number of times or to do prāṇāyāmas or study the Institutes of Sacred Law or to feed some Brahmanas. (289) According to Manu, (290) open confession, repentance, devotion, reading (291) the scriptures and alms-giving also remove sins. The Purāṇas say that the remembrance of Nārāyaṇa and other gods and goddesses (292) can remove all sins. Viṣṇu says that even those guilty of the grave sins can be freed by performing an Asvamedha sacrifice or (293) visiting sacred places. According to the Matsya Purāṇa, a heap of sins is removed by visiting Vārāṇasī.

(294) For not performing a penance, a criminal was excommunicated. 'By putting the offender under ban for some time, by depriving him for a certain period of time of all the privileges that the society confers on man, it sought to improve the future conduct of the individual; while by making an example of him, it aimed at preventing him, it aimed at preventing the repetition of the offence by other members of the society'. (295) According to (296) Manu, with persons guilty of grave sins, none should sacrifice, read and establish matrimonial relations. They should be excluded from all social duties. They should be deserted even by their paternal and maternal relations. They should not be treated with

affection or respect. Persons who associate with them for one year also lose their caste. Even using the same carriage or seat or taking food at the same board is also banned. For associating with such a sinner, men should perform the same penance ordained for the sinner himself. (297)

(298) Brhaspati bans sexual intercourse with a patita and cooking food in the sinner's cooking pots. Parāśara, however, lays down that 'in the Kṛta age, a man became patita by speaking with a patita, in Tretā by touching him, in Dvāpara by partaking of food prepared in his house and in Kali by actually committing a sinful act.' (299)

(300) According to Manu, the relatives of the patita should regard him as a dead man. His right of primogeniture must be withheld from him, and whatever perquisites arise from priority of birth. Even a son born to a patita will be regarded as a patita. (301) But a patita's daughter may be married by a man if the girl does not take any wealth of her father and declares that she does not belong to him and he is not any one to her. (302)

(303) A thief could not be a witness. He was not invited to a śrāddha. (304) Nobody became his servant. He was expelled from the Buddhist church. (305) He along with his relations were excluded from the membership of a village community. (306) For touching a thief, one had to bathe to purify oneself. Images of metal touched by thieves had to be purified. (307) The food of a thief was not to be eaten. For eating it, one had to subsist on milk for seven days. (308) The Pārsvarāthacaritra describes theft 'as worse than murder : it causes death alive; it defiles as the

touch of a pariah (mātaṅga) even with a finger. ⁽³¹¹⁾ Probably a thief who had not undergone a penance is meant in these cases. ⁽³¹²⁾ According to Manu and others, by performing the appropriate penance, the criminal becomes fit to be associated with.

13. Punishment After Death

If, in spite of this threat of a boycott, the criminals refused to perform penances, they were threatened with horrible ⁽³¹³⁾ torments in hell and other punishments in their rebirths. ⁽³¹⁴⁾ A thief should suffer, according to Āpastamba for a very long period in hell. A Brāhmaṇa thief shall be reborn as a candāla, a ⁽³¹⁵⁾ ksatriya as a paulkasa and a vaiśya as a vaina. According to Viṣṇu, all criminals who have not performed a prāyaścitta shall go to hell and stay there for a long time. Viṣṇu's description of the tortures inflicted in hell upon criminals including thieves is ⁽³¹⁶⁾ horrible.

According to the Samkicca-Jātaka, ⁽³¹⁷⁾ robbers fall into a briny flood being assailed with swords and iron clubs and pursued with spears and arrows. The Purāṇas ⁽³¹⁸⁾ refer to various hells (e.g. viloha, sūkara, sārāmeṇadana, etc.) where thieves and robbers were tortured.

⁽³¹⁹⁾ According to Manu, the stealer of the gold of a priest shall be born a thousand times into the bodies of spiders, snakes, ^lcameleons, aquatic monsters or of mischievous blood-sucking demons. Manu's description of one's punishments in the ^rtext, birth for stealing articles in this world may be presented in a tabular form.

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<u>Articles stolen :</u>	<u>The stealer is To be born as :</u>
Precious things like gems, pearls, etc. ..	a bird called hemakāra.
Grain in the husk ..	a rat.
Yellow mixed metal ..	a gander.
Water ..	plava (diver)
Honey ..	a gnat.
Milk ..	a crow.
Expressed juice ..	a dog.
Clarified butter ..	an ichneumon-weasel.
Flesh-meat ..	a vulture.
Fat ..	a water bird (madgu)
Oil ..	a oil-drinking beetle (bletta)
Salt ..	a cricket.
Curds ..	a bird (valākā)
Silken clothes ..	a bird (tittiri)
Woven flax ..	a frog.
Cotton cloth ..	a water-bird (Kraunca)
A Cow ..	a lizard (godhā).
Molasses ..	a bat.
Perfumes ..	a musk-rat.
Potherbs ..	a pea-cock.
Dressed grain ..	a porcupine.
Raw grain ..	a hedge-hog.
Fire ..	a bird (veka)
Household utensil ..	an ichneumon-fly.
Dyed cloth ..	a bird (Cekora)
A deer or an elephant	a wolf.

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<u>Articles stolen :</u>		<u>To be born as :</u>
A horse	..	a tiger.
Roots or fruit	..	an ape
A Woman	..	a bear
Water (from a jar)	..	a bird (Cataka)
Carriages	..	a camel.
Small cattle	..	a goat.
Property of another or Holy cake not first presented (to the deity) at a solemn rite	..	a brute.

For committing similar thefts, women shall become females to those male creatures. Then the sinners are born as human beings with the following marks which indicate the crimes committed by them in a remote human life. (320)

<u>Articles stolen :</u>		<u>Marks :</u>
gold	.. ..	whitlows on nails.
grain	.. ..	a defective limb.
dressed grain	.. ..	dyspepsia.
holy words	.. ..	dumbness.
clothes	.. ..	leprosy.
a horse	.. ..	lameness.
a lamp	.. ..	blindness.

(321)

According to Viṣṇu, one who steals by mixing, has a limb too much.

14. Unpunishable cases of Theft

It has been pointed out earlier that the twice-born, especially the Brāhmanas were permitted to take others' things without permission in some cases. There were also other cases in which

theft was allowed. During some joyous festivals (e.g. on the occasion of the birth of a son to a king), friends and attendants were permitted to carry off clothes and ornaments from the persons directly concerned with them. Thus when a son was born to King Prabhākaravardhana, a maid carried off the 'customary festival spoil' from him. Rows of shops were pillaged. The maces were snatched away from the mace-bearers . . . and heaps of wealth were plundered by the people on every side'. (322) Probably the king gave compensation to the traders and others for their losses. As pointed out earlier, Kautilya (323) allows a king to rob his rich subjects of their wealth in various ways in an emergency. He also allows a prince in distress to rob the rich and take the wealth of the gods if it was not to be enjoyed by the Brāhmanas. Kautilya provides that the Superintendent of Forest Produce should fix fines and compensations 'to be levied from those who cause any damage to productive forests except in calamities'. A Commentator on Kautilya's Arthasāstra says that 'cutting and carrying off branches of such trees as would be useful for axles of cart, etc., is no offence'. (324)

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- References -

- (1) Dīghanikāya, 3. 80ff.; W.T. Bary, Sources of Indian Tradition, p. 131.
- (2) Dīghanikāya, 3. 58ff.
- (3) Kane, HDS., Vol. III, p. 390.
- (4) Loc. cit.
- (5) Bauddhāyana Dharma Sūtra, II. 1. 15-16.
- (6) J.N.C. Ganguly, 'Hindu Theories of Punishment' in Annals of the Bhandarkar Oriental Research Institute, Vol. VIII, Pt. I, p. 79.
- (7) N.C. Sen Gupta, Evolution of Ancient Indian Law, p. 297.
- (8) Kane, op.cit., Vol. III, p. 390.
According to some Hindu, Buddhist and Jain records, however, punishment was at first very mild. It chiefly consisted of gentle admonition, severe reproof and fine. Gradually it became severe and imprisonment, mutilation and decapitation were introduced. See Kali Pada Mitra in IHQ, Vol. XV, pp. 75ff.; J.C. Jain, Life in Ancient India as Depicted in the Jain Canons, p. 73; Kane, op.cit., Vol. III, p. 391.
- (9) R.C. Majumdar, Classical Accourts of India, p. 269.
- (10) Kautilya, IV. 10.
- (11) S. Beal, Travels of Hionen-Thsang, Vol. I, p. 21.
- (12) Ibid., Vol. II, p. 139.
- (13) Kane, op.cit., Vol. III, p. 391.
- (14) Loc.cit.
- (15) R.C. Hazra, 'Kautilya Studies' in Our Heritage, Vol. XIII, Pt. I (1965), pp. 118ff.; Hazra, 'Was Capital punishment of Thieves unknown in the Rgvedic Age ?' in op.cit., Vol. XV, Pt. I (1967), pp. 24ff.

- (16) R̥gveda, VII. 86.5; I. 24. 13-15; Atharvaveda, VI. 63. 3;
XIX. 47.9; 50.1.
- (17) Atharvaveda, XIX. 49. 9-10; Griffith, The Hymns of the Atharva-
veda, Vol. II, p. 307. 'Whatever robber comes to-day, mis-
chievous mortal enemy, Let Night go forth, encounter him, and
smite away his neck and head; His feet that he may walk no
more, his hands that he may do no harm. The robber who comes
hitherward goes crushed and mutilated . . . '.
- (18) Hazra in Our Heritage, Vol. XV, Pt.I, pp. 1ff.
- (19) Atharvaveda, XIX. 47.9; XIX. 50.1; Hazra in Our Heritage,
Vol. XIII, Pt.I, p. 117.
- (20) Āpastamba, I. 9. 25. 4.
- (21) Gautama, XII. 43-44.
- (22) Vasiṣṭha, XX. 41.
- (23) Bṛhadhāyana, II. 1. 1. 16.
- (24) Manu, VIII. 314.
- (25) Nārada, trans. in SBE, Vol. XXXIII, Pt.I, p. 230.
- (26) Yājñavalkya, III. 257.
- (27) Āpastamba, II. 10. 27. 16.
- (28) Yājñavalkya, II. 273.
- (29) Manu, VIII. 34.
- (30) Ibid., VIII. 320, 321, 323; IX. 280; Viṣṇu, V. 11ff.; Nārada
trans. in SBE, Vol. XXXIII, Pt.I, p. 227.
- (31) Ibid., IX. 276.
- (32) Manu, IX. 267.
- (33) Ibid., IX. 270.
- (34) Viṣṇu, V. 1ff.; SBE, Vol. VII, pp. 24ff.

- (35) Brhaspati trans. in SBE, Vol. XXXIII, pp. 361-62.
- (36) Loc. cit.
- (37) SBE, op.cit., p. 363.
- (38) Kane, op.cit., Vol. III, p. 400.
- (39) Ibid., pp. 400-01.
- (40) Mahābhārata, Adiparvan, Chap. 107; Sāntiparvan, Chap. 28.
- (41) Kautilya, IV. 11.
- (42) Ibid., II. 29.
- (43) Kautilya, IV. 11; trans. Shamasastri, p. 258.
- (44) Loc. cit.
- (45) Kautilya, IV. 10; trans. Shamasastri, pp. 255-56.
- (46) Kautilya, IV. 9.
- (47) Ibid., IV. 10.
- (48) Dasakumāracarita, pub. Ramaswamy, Chap. II, p. 109 and Chap. IV, p. 155.
- (49) Dasakumāracarita, trans. Ryder, pp. 101ff. Cf. The Jātaka, ed. Cowell, Vol. I, No. 31.
- (50) Mrcchakatika, trans. Ryder, p. 151.
- (51) Abhijñānāśakuntala, trans. S. Ray, pp. 531ff. Cf. Mrcchakatika, Act IX and Milindapañho, trans. in SBE, Vol. XXXV, Pt. I, p. 262; J.C. Jain, Life in Ancient India as Depicted in the Jaina Canons, p. 73; Abhijñānāśakuntala, ed. and trans. M.R. Kale, p. 156.
- (52) The Jātaka, op.cit., Vol. II, No. 193.
- (53) Ibid., Nos. 194, 318.
- (54) Ibid., Nos. 194, 318.
- (55) The Jātaka, op.cit., Vol. IV, No. 444.

- (56) Ibid., No. 472; Buddhist Legends, Harvard Oriental Series, Vol. XXVIII, p. 258.
- (57) Buddhist Legends, op.cit., Vol. XXIX, pp. 227ff.
- (58) The Jātaka, op.cit., Vol. V, No. 537.
- (59) Upamitibhavaprapaṇcākathā, ed. Jacobi, 9th Bhava.
- (60) Kathās, trans. Tawney, ed. ²Panzer, Vol. I, Book II, Chap. X; Vol. II, p. 60, etc.; Kathārnava, Story No.25; M. Bloomfield^d in AJP, Vol. XLIV, p. 215; Prabandhacintāmaṇi, trans. Tawney, p. 31; Milindapañho, trans. in SBE, Vol. XXXVI, Pt. II, pp. 144ff.; Buddhist Legends, op.cit., Vol. XXIX, pp. 121ff.; J.C.Jain, op.cit., pp. 68ff., etc.
- (61) Buddhist Legends, op.cit., Vol. XXVI, pp. 70ff.
- (62) Kali Pada Mitra in IHQ, Vol. XV, pp. 84ff.; Samarāṇicakathā, ed. Jacobi, 3rd Bhava. It is said that during the reign of Lakṣmanasena of Bengal, condemned criminals were handed over to the physicians to make experiments on their bodies or to make oil for medicinal purposes by boiling their bodies in oil or ghee (clarified butter). These criminals were called romthās. See Durga Chandra Sannyal, Bāṅgālār Sāmājīk Itihāsa (in Bengali), pp. 37ff.
- (63) Lal Behari Day, Folk Tales of Bengal, pp. 171ff.
- (64) SBE, Vol. XXXV, Part I, pp. 222ff.
- (65) Buddhist Legends, op.cit., Vol. XXIX, pp. 304ff.
- (66) Mrcchakatika (Act IX), trans. Ryder, p. 151.
- (67) Mrcchakatika, Act X; X.3; trans. Kale, p. 355. ^{atta}Caruḍḍa describes himself thus: By the prints of (the extended) hand dipped in red sandal-paste, impressed over all my limbs and covered

(67) Contd. from pre-page.

over with rice-flour and sesamum-powder, I, a man, am turned into an animal (about to be slaughtered)'. .

(68) Kale, Mrcchakatika, Act X, p. 355.

(69) Manu, IX. 262; Kautilya, IV. 5.

(70) Mrcchakatika, X. 21.

(71) Kali Pada Mitra in IHQ, Vol. XV, p. 84.

(72) Ibid., p. 82.

(73) Upamitibhāvaprapañcākaṭhā, ed. Jacobi, p. 174: Sthitā sadā gamamukham pasyanti stimatekṣanā itascaika kālameva ikasyānti diśi samullasito vākvalakalah śrūyate viśasaviśama dīndimadhaṇiṇi samākarnyate dūrdāntalokakṛto 'ttattāṇasah / Tātah pātītā tadabhimukhā samastā-parsadā dr̥stih / yāvadvilīptasamastagātro bhasmanā carcito gairika hastakāṇi khacitāstrīmasī pundrakairvinātito lalamāṇayā kaṇavīra murḍa mālayā Vidamvito Vakṣaḥ sthale ghūrṇamāṇayā śarāvamālayā dhāritātapatro jaratpītaka khaṇḍena vaddhaloptro galaikadeśa āropito rāsabhe vestitah samantadrājapurusāṇi nindyamāno lokena prakampamāṇasārīrah taralatāramitaścetaścātikātarayā bhayodbhrāntahrdāyodaśāpi diśo nirīksamāno nātīdūrādeva dr̥stah Samsārijīvanāma taskarah /

(74) Kali Pada Mitra in IHQ, Vol. XV, pp. 81ff.

(75) Abhijñānaśākuntala, ed. M.R.Kale, p. 156.

(76) The Jātaka, op.cit., Vol. I, Nos. 147, 86.

(77) SBE, Vol. XXXIII, Pt.I, pp. 223ff.

(78) Manu, VIII. 322, VIII. 325.

(79) ~~Manu, VIII. 322, VIII. 325.~~ Ibid. loc. cit.

- (80) ^{Manu} Ibid., VIII. 334; SBE, Vol. XXXIII, Pt.I, p.228; Texts of Kātyāyana, ed. Kane, p. 98.
- (81) Manu, IX. 277.
- (82) SBE, op.cit., p. 228.
- (83) Kautilya, IV.10; Kane, op.cit., Vol. III, p. 405.
- (84) Yājñavalkya, II. 274.
- (85) Viṣṇu, V. 77ff.; SBE, Vol. VII, pp. 31ff.
- (86) SBE, Vol. XXXIII, Pt.I, pp. 33 and 227.
- (87) Ibid., pp. 361ff.
- (88) Kautilya, IV. 10. According to Vyāsa, the hands and feet of the kidnapper of a man shall be cut off. See Kane, op.cit., Vol. III, p. 522.
- (89) Kautilya, II. 23.
- (90) SBE, Vol. XXXVI, Pt.II, pp. 144ff.; Vol. XXXV, Pt.I, pp.166ff.
- (91) The Jātaka, op.cit., Vol. VI, No. 546.
According to the Lohita Smṛti, verses 687-702, one hand, one feet or two hands of a thief were cut off. See Ārya Śāstra (a Bengali Monthly), Bhādra, 1370 B.S.; Calcutta.
- (92) The Jātaka, op.cit., No. 538.
- (93) Samarāṅgacakāḥ, ed. Jacobi, Second Bhava.
- (94) Kathās., op.cit., Vol. V, pp. 59ff.
- (95) Pañcatantra, ed. Jivananda Vidyasagar, p. 84.
- (96) Sachau, Alberuni's India, Vol.2, p. 162.
- (97) Kathās., op.cit., Vol. V, p. 93.
- (98) J.C.Jain, op.cit., p. 73.
- (99) Sachau, op.cit., Vol.I, p.102; B.P.Majumdar, The Socio-Economic History of Northern India, p. 112.

- (100) Manu, X. 56. 50-55.
- (101) B. Beal, op.cit., Vol. I, p. 21.
- (102) R. Fick, The Social Organisation in North East India in Buddha's Time, trans. S.K.Maitra, p. 158.
- (103) R.N.Mehta, Pre-Buddhist India, p.159; The Jataka, op.cit., Vol. III, No. 358.
- (104) R.N.Mehta, op.cit., pp. 158-59.
- (105) Loc.cit.
- (106) Mrcchakatika, Act X.
- (107) Mrcchakatika, trans. Ryder, X. 1.
- (108) Ryder, Mrcchakatika, pp. 153ff.
- (109) Samarāiccakaha, op.cit., Fourth and Fifth Bhavas.
- (110) Ibid., Sixth Bhava.
- (111) Mrcchakatika, Act X.
- (112) Mrcchakatika, Act X; Buddhist Legends, Vol. XXIX, pp. 121ff.; Vol. XXX, pp. 222ff.
- (113) Samarāiccakaha, op.cit., Second Bhava.
- (114) Manu, IX. 242.
- (115) N.C.Sen-Gupta, op.cit., p. 305.
- (116) SBE, Vol. VII, p. 38.
- (117) Yājñavalkya, II. 187.
- (118) SBE, Vol. XXXIII, Part I, pp. 203, 208.
- (119) Dasakumāracarita, pub. Ramaswamy, p.110; SBE, Vol. XIII, Pt.I, p.4; Vol. XXXV, Pt.I, p. 256.
- (120) SBE, Vol. XXXIII, Pt.I, p. 227.
- (121) SBE, Vol. XXXV, Pt.I, p. 239.
- (122) K.S.Rama Chandran and C.Krishnamurthy in IHQ, Vol. XXXIV, p.209.

- (123) Kathas., op.cit., Vol.V, pp. 59ff.
- (124) SBE, Vol. II, p.242; Visnu, V, 2ff.; Yājñavalkya, II. 270.
- (125) Manu, IX. 235ff.
- (126) Kane, op.cit., Vol. III, p. 403.
- (127) Ibid., p. 399.
- (128) Manu, IX. 236.
- (129) Kāmandaka, XIV, 16; Sukra, IV. 1.93; Kane, loc.cit.
- (130) Kane, op.cit., Vol. III, p. 404.
- (131) Ibid., p.393.
- (132) Ibid., pp. 393-94.
- (133) Manu, VIII. 138; Visnu, IV. 10.
- (134) Yājñavalkya, I. 366.
- (135) The Mitāksara on Yājñavalkya, I. 366.
- (136) Kane, op.cit., Vol. III, p. 394.
- (137) SBE, Vol. XXXIII, Pt.I, p. 227.
- (138) Kautilya, III. 17.
- (139) Kane, op.cit., Vol. III, p. 393, Note 625.
- (140) Loc. cit.
- (141) Loc. cit.
- (142) Kane, op.cit., Vol. III, p.394.
- (143) SBE, op.cit., pp. 204-05.
- (144) Ibid., p. 205.
- (145) Kane, op.cit., Vol. III, p. 394.
- (146) Manu, VIII. 326-329; Nārada, trans. in SBE, Vol. XXXIII, Pt.I, pp. 226ff., Visnu, trans. in SBE, Vol. VII, p. 32.
- (147) Manu, VIII. 321-322. Cf. Visnu, op.cit., Vol. VII, p.31.
- (148) Nārada, op.cit., Vol. XXXIII, Pt.I, p. 227.

(149) Manu, VIII. 320; Viṣṇu, op.cit., Vol. VII, p. 32. According to Brhaspati (SBE, Vol. XXXIII, Pt.I, pp. 361ff.), for stealing grains, the thief should pay ten times as much and the double amount as fine.

(150) Manu, VIII. 319.

(151) Ibid., VIII. 330-331, 333.

(152) Manu, VIII. 324. IX. 293; SBE, Vol. XXV, pp. 310 and 394.

(153) SBE, Vol. XXXIII, Pt.I, pp. 361ff.

(154) Kautilya, IV. 9, trans. Shamasastri, pp. 250ff.; Kautilya, trans. R.G.Basak, Vol. II, ⁽¹⁹⁶⁷⁾ pp. 29ff.

(155) Kautilya, II. 14.

(156) Kautilya, IV. 1.; trans. Shamasastri, p. 229.

(157) Kautilya, II. 8; trans. Shamasastri, pp. 67-68.

Parokta means failure to prove one's position, either as a complainant or as a defendant.

(158) Kautilya, IV.9; trans. Shamasastri, pp. 251ff.; trans. Basak, Vol. II, ⁽¹⁹⁶⁷⁾ pp. 30ff.

(159) U.N.Ghoshal in IHQ, Vol. XXXIV, pp. 49ff.

(160) Kautilya, IV. 10.

(161) Ibid., III. 17; trans. Shamasastri, p. 217.

(162) Kautilya, II. 27.

(163) Kautilya, trans. Shamasastri, p. 138.

(164) Manu, VIII. 320^x; SBE, Vol. XXXIII, Pt.I, p. 359; SBE, Vol. VII, p. 32; Yājñavalkya, II. 269-70; Kautilya, IV. 10, etc.

(165) Mahābhārata, Āsramavāsikaparvan, Chap. V.

(166) K.A.N.Sastri, The History and Culture of the Tamils, pp. 59ff.

(167) R.C.Majumdar, Corporate Life in Ancient India, p. 212.

- (168) SBE, Vol. II, Pt.I, p. 167.
(169) D.C.Sircar, Indiar Epigraphy, pp. 397 and 360.
(170) Kautilya, IV. 2; trans. Shamasastri, pp. 232ff.

The Superintendent of Commerce should, according to Kautilya, supervise weights and measures and impose fines for using measures less than the standard weight. Sale or mortgage of inferior articles as superior shall be punished with a fine eight times the value of the articles. For selling adulterated things, deceitful mixtures or for dexterously substituting other articles for those just sold shall be punished with a fine of fifty-four panas and the trader should make good the loss. Middlemen causing to a trader or a buyer the loss of 1/8th of a para by substituting with tricks of hand false weights or measures or other inferior articles shall pay a fine of two hundred panas. According to Nārada and Brhaspati, for concealing the blemish of an article or mixing bad and good articles together or selling old articles as new after repairing them, a merchant shall give double the quantity to the buyer and pay a fine equivalent to the price of the articles.

- (171) Brhaspati, XXII. 13, 18; Nārada, VIII. 7.
(172) Sachau, op.cit., Vol. 2, p.162.
(173) J.W.McCrindle, Ancient India as Described by Megasthenes and Arrian, Revised Second ed., Calcutta, 1960, p. 72.
(174) Sukra, IV. 1. 88.
(175) SBE, Vol. XXXIII, Pt.I, p. 99.
(176) Yājñavalkya, II. 230. N.C.Sen-Gupta, op.cit., p. 315.

(176a) Manu, VIII. 310.

(177) R.C.Majumdar, The Classical Accounts of India, p. 326;
McCrindle, op.cit., p. 38.

(178) U.N.Ghoshal in IHQ, Vol. XXI, No.4, pp. 288ff.

(179) Gautama, XII. 15-17.

(180) Manu, VIII. 336-38; Kane, op.cit., Vol. III, p. 395.

(181) Sachau, loc.cit.

For stealing a very valuable object, kings would blind a
Brahmana and cut off his left hand and right foot or the
right hand and left foot. They would, however, mutilate a
Ksatriya and kill thieves of other castes for the same
offence.

(182) Satapatha Brahmana, V. 4, 2, 3; II. 4, 2, 17.

(183) Taittiriya Samhita, II. 5, 11, 9.

(184) Atharva Veda, V. 18.6.

(185) Kane, op.cit., Vol. III, p. 397.

(186) Kali Pada Mitra in IHQ, Vol. XV, pp. 85ff.

(187) SBE, Vol. II, Pt.I, p. 213.

(188) SBE, Vol. XIV, Pt.II, p. 129.

(189) Ibid., p. 201.

(190) SBE, Vol. VII, pp. 25ff.; Vol. XXXIII, Pt.I, pp.203ff.; Kane,
op.cit., Vol. III, p. 396.

(191) Manu, VIII. 380; Mrcchakatika, IX. 39.

(192) Ibid., IX. 241-2; trans. W.Jones, p. 153.

(193) SBE, Vol. XXXIII; Pt.I, p. 229.

(194) Yajñavalkya, II. 270.

(195) SBE, Op.cit., p. 362.

(196) N.C.Sen-Gupta, op.cit., p. 305.

- (197) Kane, op.cit., Vol. III, pp. 396-97.
- (198) Manu, IX. 229.
- (199) Mahābhārata, Mokṣadharmā Parvan, Chap. 167; Mahābhārata, Rājadharmā Parvan, Chap. 56.
- (200) Manu, IX. 273.
- (201) Gautama, XII. 25; Manu, VIII. 339; Yājñavalkya, II. 166, Vol. III, p. 524.
- (202) Kane, op.cit., p. 524.
- (203) Kane, loc.cit.
- (204) Manu, trans. W. Jones, XI. 11ff.; Yājñavalkya, III. 43; Mahābhārata, Śānti Parvan, 165. 11-13; Kane, op.cit., Vol. III, p. 524.
- (205) Kane, loc.cit.
- (206) Manu, trans. Jones, VIII. 341.
- (207) Kauṭilya, IV. 8. ^{^ (v.8),} Vol. II, 1950,
- (208) Kauṭilya, trans. R.G. Basak, p. 22.
- (209) Kauṭilya, IV. 8; trans. Shamasastri, p. 250.
- (210) Lohita Smṛti, verses 695ff.; See Āryya Śāstra, Bhādra, 1370.
- (211) R. Fick, op.cit., p. 212.
- (212) J.C. Jain, op.cit. p. 69.
- (213) Mṛochakatika (Act IX), trans. Ryder, p. 151.
- (214) Vikrama's Adventures, trans. Edgerton in Harvard Oriental Series, Vol. XXVI, p. 73.
- (215) Kane, op.cit., Vol. III, pp. 360ff.
- (216) U.N. Ghoshal in IHQ, Vol. XXIII, pp. 87ff.
- (217) Kane, op.cit., Vol. III, p. 394; Kauṭilya, III. 3.
- (218) Manu, trans. Jones, IX. 230.

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- (219) Loc.cit.
- (220) Pañcatantra, trans. Ryder, p. 62.
- (221) J.C.Jain, op.cit., pp. 69ff.
- (222) SBE, Vol. II, p. 166.
- (223) Ibid., p. 242.
- (224) Ibid., Vol. XXXV, Pt.I, p. 166.
- (225) Dasakumāracarita (Chap.IV), pub. Ramaswamy, pp. 155ff.
- (226) Gautama, XII. 40ff.
- (227) Manu (trans. Jones), IX. 271 and 278.
- (228) SBE, Vol. XXXIII, Pt.I, pp. 205 and 225.
- (229) Yājñavalkya, II. 276; Kautilya, IV. 11.
- (230) Yājñavalkya, II. 231; Kautilya, III. 17; Kane, op.cit., Vol. III, p. 529.
- (231) Kane, loc.cit.
- (232) Kautilya, III. 17.
- (233) Loc.cit.
- (234) See Kautilya, III. 17; IV. 9.
- (235) Ibid., IV. 8; IV. 10; IV. 11; IV. 12.
- (236) Ibid., ~~IV. 8; IV. 10; IV. 11; IV. 12.~~
- (237) Ibid., ~~IV. 8; IV. 10; IV. 11; IV. 12.~~
- (238) Kane, op.cit., Vol. III, pp. 462ff.
- (239) Yājñavalkya, II. 172.
- (240) Kautilya, III. 16; trans. Shamesastry, p. 214.
- (241) Upamitibhavaprapaṅcā Kethā, ed. Jacobi, Contents, LXV.
- (242) Kautilya, IV. 1.
- (243) SBE, Vol. VII, pp. 173ff.
- (244) E.W.Hopkins in JAOS, Vol. XLIV, pp. 243ff.

- (245) E.W.Hopkins, op.cit., pp. 243ff.
- (246) Manu, IX. 235-240.
- (247) Manu (trans. Jones), XI. 45.
- (248) Ibid., XI. 46.
- (249) Yājñavalkya, III. 226 and 220; Kane, op.cit., Vol. IV, p.63.
- (250) Manmotho Nath Ray in Journal of the Bihar and Orissa Research Society, Vol. XIII (1927), Pt.II, pp. 167ff.
- (251) Biren Bonnerjea in Indian Antiquary, Sept., 1931.
- (252) Kane, op.cit., Vol. IV, pp.79ff.
- (253) Ibid., pp.80ff.
- (254) Ibid., p. 102.
- (255) Ibid., p. 83.
- (256) Ibid., pp. 84 and 125.
- (257) Ibid., p. 121.
- (258) Manu, XI. 223-26; cf. Yājñavalkya, III. 212-13; Kane, op.cit., Vol. IV, pp. 120-21.
- (259) Kane, op.cit., Vol. IV, p. 123.
- (260) The Mitāksarā on Yājñavalkya, III. 325; Kane, loc.cit.
- (261) SBE, Vol. II, Pt.I, pp. 82, 166.
- (262) Ibid., pp. 241ff.
- (263) SBE, Vol. XIV, Pt.II, p. 108.
- (264) Baladhāyana, III. 5. 6; III. 6.9; III. 6.18.
- (265) Ibid., II. 1. 1. 16-17 (SBE, Vol. XIV, Pt.II, p.213).
- (266) Manu (trans. Jones), VIII. 314-16; Manu, XI. 99.101.
- (267) SBE, Vol. XXXIII, p. 230.
- (268) Kane, op.cit., Vol. IV, p. 74.
- (269) Manu, XI. 101-02.
- (270) Ibid., XI. 73.

- (271) Yājñavalkya, III. 258 and the Mitaksara on this verse;
Kane, op.cit., Vol. IV, p. 101.
- (272) SBE, Vol. II, p. 82.
- (273) Ibid., Vol. XIV, Pt. II, p. 108.
- (274) Ibid., Vol. VII, pp. 153ff.
- (275) Kane, op.cit., Vol. IV, p. 87.
- (276) Ibid., p. 101.
- (277) SBE, Vol. VII, p. 172.
- (278) Loc.cit.
- (279) SBE, op.cit., pp. 172ff.
- (280) Ibid., Manu, XI. 164.
- (281) SBE, op.cit., pp. 151ff.
- (282) Ibid., p. 172.
- (283) Ibid., pp. 172ff.
- (284) Ibid., p. 173.
- (285) Loc.cit.
- (286) Loc.cit.
- (287) Manu, XI. 169.
- (288) Kane, op.cit., Vol. IV, pp. 101-02 and 107.
- (289) Ibid., pp. 125-29.
- (290) Manu, XI. 228; see XI. 246ff.
- (291) Kane, op.cit., Vol. IV. p. 50.
- (292) Viṣṇu, XXXV. 6.
- (293) Matsya Purāṇa, 184. 18.
- (294) Kane, op.cit., Vol. III, pp. 615.
- (295) Marmotho Nath Ray in JBORS, Vol. XII (1926), pp. 540ff.
- (296) Manu, IX. 238-39.

- (297) Ibid., IX. 181-82.
- (298) Kane, op.cit., Vol. IV, pp. 25-26.
- (299) Ibid., p. 26.
- (300) Manu, 183-86.
- (301) Kane, op.cit., Vol. III, p. 616.
- (302) Loc.cit.
- (303) SBE, Vol. XXXIII, Pt. I, Quotations from Nārada, Verse 12.
- (304) Gautama, XV.16.
- (305) SBE, Vol. II, Pt. I, p. 242.
- (306) Ibid., Vol. XIII, p. 215.
- (307) R.C. Majumdar, Corporate Life in Ancient India, p. 171.
- (308) Vṛddha-Yājñavalkya quoted by Apararka, p. 923.
- (309) Kane, Vol. II, pt. II, p. 905.
- (310) SBE, Vol. XIV, Pt. II, p. 69; Vol. VII, p. 163.
- (311) Bloomfield in AJP, Vol. XLIV, pp. 104ff.
- (312) Manu, XI. 187ff.; Yājñavalkya, III. 295, 299; Vasistha, XV.20; Gautama, XX. 10-14.
- (313) Manu, XI. 53; XII. 54ff.; Yājñavalkya, III. 221.
- (314) SBE, Vol. II, p. 102.
- (315) Ibid., Vol. VII, pp. 141ff.
- (316) Viṣṇu, XLIII. 32-45; Kane, op.cit., Vol. IV, pp. 167-68.

'Sinners guilty of having committed (one or more of the nine kinds of) sins have to endure terrible sufferings when they have left this life and reached the path of Yama. Being dragged hither and thither by the fierce servants of Yama they are led (to hell) by them with frightening gestures. (In Hell) they are devoured by dogs, jackals, crows, herons,

(316) contd. from pre-page.

cranes and other birds eating raw flesh, by snakes and scorpions that have fire in their mouths (i.e. that emit stinging poison). They are scorched by fire, pierced by thorns, divided into parts by saws and oppressed by thirst. They are afflicted with hunger and by terrible hordes of tigers and they faint away at every step on account of the stinking smell of pus and blood. Desiring to secure the food and drink of others they are beaten by the servants (of Yama) whose faces are similar to those of such horrible animals as crows, herons and cranes. In some places they are boiled in oil, in others they are pounded with pestles or ground down in iron or stone vessels. In some places they (have to) eat what is vomitted or pus or blood or excrements, and hideous meat smelling like pus. In one place they have to stay in terrible darkness, and are devoured by horrible worms having flames in their mouths. In some places they are overwhelmed by cold or have to pass through the midst of unclean things and in other places the departed devour each other, thus becoming most horrible. In some places they are beaten on account of their former deeds and are suspended in other places (from trees &c) or are struck with heaps of arrows or are cut into pieces. In other places they have to tread upon thorns and they are encircled by the hoods of serpents, they are tormented with machines and are dragged by their knees. Their backs, heads and necks are fractured, they become terrible (to look at),

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(316) contd. from pre-page

their throats being reduced to the size fit for a cave shelter and they become unable to bear torments. Sinners are being tormented in this way and having suffered intense pain undergo various further sufferings in their passage through animal bodies (in which they are thereafter born)'. .

(317) The Jataka, op.cit., Vol.V, No.530; Vol.VI, No. 541.

(318) Vayu Purana, 101. 148; Bhagavata Purana, 26.7 and 27; Vayu Purana, 101. 146, 152, etc.

(319) Manu, XII. 57, 61-69; SBE, Vol. VII, pp. 144ff.

(320) Manu, XI. 49, 51-52.

(321) Visnu, XLV, 10.

(322) E.B.Cowell and F.W.Thomas, The Harsacarita of Bana, pp.109ff.

In some parts of Bengal during the night of the Nastacardra day (the fourth day of either fortnight in the month of Bhadra or August-September), youngsters steal fruits or food articles from the houses of their locality and may only be rebuked by their owners. In some parts of India, close relatives steal things belonging to the bride or bride groom, which are returned in lieu of some money. This is done to remove the evil influences of bad persons who try to do the couple some harm by stealing their things. In some areas of Bengal, an article belonging to a neighbour is stolen and buried as a charm against excessive rain. This is generally done by the mothers of the bride or bride groom when excessive rain threatens to spoil the ensuing marriage ceremony. During the

(322) contd. from pre-page

Holi festival, boys in some parts of India steal wooden things of every form and burn them in a big bon-fire. See Chintaharan Chakravarti in Indian Culture, Vol. II, pp.366ff. See J.J.Modi, in Journal of the Bombay Anthropological Society, Vol. XIII, p. 34.

(323) Kautilya, I. 18.

(324) Ibid., II. 17; trans. Shamasastri, p. 107.

Kidnapping of women by the Ksatriyas was permitted. The Raksasa form of marriage allows one to kidnap a girl and then marry her.

Kane, op.cit., Vol. II, Pt.I, p. 517; Manu, III. 23-24, 26; Mahabharata, V. 48. 74, VI. 13. 6, VII. 10.33; Visnu Purana, Book V, Chap. 26, J.J.Meyer, Sexual Life in Ancient India, Vol.I, pp. 55ff.

Epilogue

It is interesting to note that the commission of theft by a person was sometimes believed to be the result of the influence of evil spirits upon him. (1) It is said that when Kali entered the body of King Nala, he appropriated the wealth of others unjustly. (2) Another belief was that a man became a thief or a robber as a result of his work in a former life. (3) For calling some innocent men thieves, a person became a thief in his next life. (4) It was also believed that a man became a thief or a robber because he was cursed to be so in a former life. (5)

At the time of the birth of a child, the astrologers made the declaration that he would be a thief. In such cases, inspite of a very careful bringing up, the child ultimately became a thief. The thief grimly observed : 'For who is able to alter the action of a man in his previous birth ?' (6) It is said that when the robber Angulimala was born, all the armours in the town shone brilliantly. His father 'consulted the stars and concluded that his son was born in the conjunction of the Thieves' constellation'. (7) He became a dangerous robber.

The real causes of theft and robbery, however, lay elsewhere. According to the Dighanikāya, (8) when land was divided among the people and boundary marks were set up, some greedy men misappropriated other men's plots. Thus theft originated from greed. This is also supported by the Mahābhārata. (9) According to Manu, (10) anger leads to unjust seizure of property. Overcome by a violent desire, man steals others' property. (11) Aversior for the labour involved in tillage or cattle-tending led the eldest of the Pāṇḍava brothers, who ultimately founded the Pāṇḍava dynasty, to become a

(12)
bandit. The allurements of the profession of thieving or robbery which promised much profit in lieu of comparatively less labour was irresistible to many. The thief Sarvilaka in the Mrcchakatika, preferred theft to service under somebody because the former guaranteed independence while the latter demanded
(13)
servility.

Bad association, addiction to gambling, connection with prostitutes and extravagance often led a man to steal. Mahabala was born in a good family and was well-educated. Gradually, however, he lost his relatives, led a dissolute life, became
(14)
addicted to gambling and from a gambler became a thief. Sri-
gupta turned into a thief owing to bad association, gambling and
(15)
other vices. Vasanta, a merchant's son, was a spoilt child. For committing many indiscretions, he was driven from home. He became a vagabond and indulged in gambling and other vices. On seeing people enjoying themselves, he felt a craving for pleasure
(16) and committed theft. (17) In the Mrcchakatika, Sarvilaka com-
(18)
mitted theft for the sake of a courtesan. In the Dasakumaracarita,
Apaharavarman stayed in the house of a prostitute and decided to fill her house with wealth by robbing the rich men of the city.
(19)
According to the Mahabharata and other works, extravagance forced a man to have recourse to theft.

For the sake of romance, adventure and bravado, princes and sons of the rich, as pointed out earlier, sometimes took to thieving. It cannot be gainsaid that there is thrill in the thieving business which attracted youngmen of adventurous spirit. The romance of the adventurous life of the bandits led the eldest

Nanda to seek admission to the brotherhood of robbers. (20) Poverty was one of the most important causes of theft and robbery. A Rgvedic (21) verse shows that sometimes a debtor was forced to steal in order to pay off his debt and thus avoid severe punishment. The thief Sarvilaka broke into others' houses because he was too poor to purchase the freedom of his beloved who was the maid of a prostitute. He cursed poverty, which led a man of good family to (22) commit an act of sin. King Udayana's minister, Yaugandharāyana, (23) said 'Poverty makes men steal'. (24) According to the Dīghanikāya, poverty, a product of bad government led a man to steal. According (25) to the Ācārāṅga Sūtra, unemployed men took to stealing. Generally speaking, anarchical condition, weak administration, oppression of the people by the royal officers, natural catastrophes, etc. would breed thieves and robbers. The condition of a kingdom unrighteously governed is thus described in a Jātaka tale :

By night to thieves a prey are we,
to publicans by day,
Lewd folks* abound within the realm
When evil kings bear sway'. (26)

People stricken by drought or famine sometimes took to (27) theft as a last resort. As pointed out already, the Mahābhārata clearly says that thieves and robbers thrive in a country (28) where there is no strong government. They often recruited (29) their followers from amongst the poor and the vagabonds. Sometimes men stole things to satisfy the wishes of their wives or (30) their cravings of the ^{latter} ~~better~~ for something during pregnancy. A pious Lingayat used to break into the houses of people of other

other faiths with a view to distributing the loot among the followers of his own creed. (31) Prostitutes' sons and bastards who generally grew up in a very uncongenial atmosphere, without affection and care, learnt all sorts of vices and took to theft and robbery to maintain themselves. The arch-thief Mūladeva, the robber-chief Cilātī and others were the sons of whores. (32)

In ancient India, political stability was rare. In the absence of a paramount ruler, the country was divided into a number of petty states which engaged in constant internecine warfare. Besides, the rivalry between the monarchical and republican states also led to frequent wars. War was often fought for cattle and women. In later ages, kings fought wars for winning glory, spoils and territories. These wars greatly weakened the defeated countries and gave a rude blow to their governments and led to anarchical conditions and insecurity of life and property. Wars meant loss of lives, destruction of crops and property. Agriculture, trade, etc. became almost impossible. The kings were also forced to tax their subjects more heavily to meet the expenses of wars. So the poor became destitute and were forced to take to stealing to maintain themselves.

Foreign invasions which were many only aggravated the sufferings of the people. All these produced a sense of frustration and an all-round degradation. Standard of morality sank low. Drinking, gambling and infatuation for prostitutes became widely prevalent. Indeed 'loss of character in all societies is the main cause for people turning thieves'. (33)

Class-pride and rigidity of caste system kept the Candalas and other 'low classes' of people out of association,

marriage, etc., with those belonging to the higher castes. The society compelled the Candalas to perform nasty works and did not give them any privilege. These despised untouchables often took revenge by kidnapping the women of the twice-born and pillaging their houses, and it was these people who often swelled the ranks of the thieves and robbers.

The unsubdued tribes living in dense forests or hilly areas and the disbanded army of a defeated Non-aryan chief earned their livelihood by robbing travellers and caravans and raiding villages and towns.

Theft and robbery became the hereditary professions of some people whom even the severest punishment failed to deter and it was almost impossible for a person born in a thief's or robber's family to pursue any other calling than the hereditary one. The case of Rauhineya is an instance in point.

The forest-robbers were often hereditary criminals. Some sort of caste pride made these criminals determined to follow their dangerous avocation. They did not see anything wrong in it. Absence of economic equality which characterised all ancient societies and the resultant accumulation of wealth in the hands of a few who lolled in luxury, might have led some ambitious poor men to rob the rich. Sajjalaka, as mentioned before, felt no compunction to rob a rich merchant. Apaharavarman, the Indian Robin-hood, tried to bring some economic equality by robbing the rich and helping the poor.

In spite of severe punishment, social disabilities, the fear of suffering in the hell and the next world and universal hatred towards them, thieves and robbers remained almost unaffected

and their ranks swelled steadily. They were indeed too numerous to be got rid of by banishment or capital punishment. The followers of Gautama disapproved of banishment as a mode of their punishment because it would cause loss of population in the country. Their harmful activities affected the life of people to such an extent that serious attempts were made to rectify them. There were attempts to make them humane and lessen their cruelty, as far as practicable, by law and moral teachings. It is refreshing to note that they were after all considered to be corrigible. As pointed out before, one of the objectives of punishment was to reform the character of the criminal, probably it succeeded to some extent in the case of the Brāhmaṇa criminals who were comparatively lightly punished. The Great Religious preachers like Mahāvīra, Buddha and their disciples played a great part, as pointed out earlier, in reforming the notorious culprits by converting them to their religions. Indra, according to the Mahābhārata, told Mādhātṛ about the social and religious duties of robbers which show what was expected of them in ancient India. According to Indra, the robbers should serve their parents, preceptors, superiors and hermits, render services to the king, observe Vedic duties and rites, perform sacrifices in honour of the patriarchs, dig wells, make cisterns for public use, give beds to the guests, make gifts to the twice-born in proper time, abstain from injury, observe truth, suppress anger, keep up the means of livelihood and inheritance, maintain sons, wives, purity and peacefulness, give honorarium for all sacrifices and perform highly expensive Pāka-yajñas. At another place, the Mahābhārata says that robbers who observe the rules of

the Dharmasastras attain spiritual power speedily in spite of their being robbers. (34) Sukra (35) asks the king to teach bad men, after punishing them for their crimes, the good ways of life. All the scriptures advised men to abstain from theft and violent activities. Preachers of religions, especially Mahāvira and the Buddha seriously tried to reform the thieves and robbers by converting them to their faiths and giving them shelter in their churches. According to an inscription (13th century A.D.) king Sundara-Pāṇḍya took steps for the spiritual welfare of some Brāhmanas who turned robbers. When his officers failed to check them by beating, imposing fines, pulling down their houses and keeping them under surveillance, the king issued stringent orders that they be captured wherever found and punished according to the rules applicable to the lower classes, that their houses and other hereditary property be sold to temples and other charitable institutions, that the money thus realized be credited to the treasury in payment of the fine imposed on them, and that the balance, if any, be presented to the temples as a permanent charity in the name of the criminals'. It has been said, 'The religious instinct . . . which . . . prompted Sundara-Pāṇḍya . . . to order a portion of the money realized by the sale of criminals' property to be set apart for charities on their behalf in order that these misguided people may, as a consequence, improve in their character and become at least in the future useful and loyal citizens is indeed noteworthy'.. (36)

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- (1) Markandeya Purāṇa, Chap. 51.
- (2) Kathās, trans. Tawney, ed. Penzer, Vol. IV, p. 241.
- (3) Pañcatantra, ed. Jivananda Vidyasagar, p. 201.
- (4) Samaraiccakaha, ed. Jacobi, Fourth Bhava; Kathakosa, trans. Tawney, p. 157.
- (5) Kathās, op.cit., Vol.VIII, pp. 137ff.
- (6) Ibid., Vol. VI, p. 82.
- (7) Rhys Davids, Psalms of the Brethren, pp. 318ff.; Dasakumara-carita (Chap. IV), pub. Ramaswamy, p. 155.
- (8) Dighanikāya, III. 80ff.
- (9) Mahābhārata, Santi Parvan, Chap. 158.
- (10) Manu, VII. 48. 51.
- (11) Uttarādhyayana Sūtra, XXXII.
- (12) Radha Kumud Mookerji, Chandra Gupta Maurya and His Times, Appendix I, p. 229.
- (13) Mrcchakatika, III. 11.
- (14) Bloomfield in AJP, Vol. XLIV, pp. 123ff.
- (15) Ibid., p. 105; Katha Kosa, op.cit., pp. 214ff.
- (16) Bloomfield, loc.cit.
- (17) Mrcchakatika, trans. Ryder, p. 50; Skanda Purāṇa, Viṣṇukhaṇḍa, Chap. XVIII.
- (18) Dasakumara carita, pub. Ramaswamy, p. 111.
- (19) Mahābhārata, Santi-parvan, Chap. 28.
- (20) R.K.Mookerji, loc.cit.
- (21) Rgveda, VI. 12. 5.
- (22) Ryder, Mrcchakatika, p. 51.
- (23) Kathās, op.cit., Vol. V, pp. 1ff.

- (24) Dīghanikāya, III. 58ff.
- (25) Acārāṅga Sūtra, I. 2, 3.
- (26) The Jātaka, ed. Cowell, Vol. V, No. 520.
- (27) Dasakumāracarita, op.cit., p. 197; Kathās, op.cit., Vol. IX, pp. 45ff.
- (28) Cf. Dasakumāracarita, trans. Ryder, p. 162.
- (29) Peta-Vatthu, trans. H.S.Gehman in the Minor Anthologies of the Pali Canon, Pt.IV, pp. 141ff.
- (30) Kathās, op.cit., Vol. V, p. 118; Bloomfield, op.cit., ^{Vol. XLIV,} p.200.
- (31) G.Würth in Journal of the Bombay Branch of the Royal Asiatic Society, Vol. 8, No. XXIV, p. 83.
- (32) Bloomfield in Proceedings of the American Philosophical Society, Vol. LII, pp. 615ff; in AJP, Vol. XLVII, p. 217; in JAOS, Vol. XLIV, p. 228.
- (33) R.G.Basak in IHQ, Vol. V, p. 312.
- (34) R.C. Hazra, 'Kautilya Studies in Our Heritage, Vol. XIII, Pt.I (1965), p. 124.
- (35) J.N.C.Ganguly, 'Hindu Theories of Punishment' in Annals of the Bhandarkar Oriental Research Institute, Vol. VIII, Pt.I, pp. 81ff.
- (36) Radha Kumud Mookerji, Local Government in Ancient India, pp. 213ff. Asoka Granted (Pillar Edict IV) three days' respite to prisoners on whom the sentence of death had been passed. His intention was that during that period, their relatives would plead for their lives to the officers 'by appealing to the latter's mercy or by adding fresh evidence in the convict's favour, or by paying ransom for their

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(36) Contd. from pre-page

release; but, failing to secure the release of the prisoners by those means, the relatives would console them by observing fasts and giving gifts with a view to securing their happiness in the next world. See D.C.Sircar, Inscriptions of Asoka, Delhi, 1957, p.21.

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Abbreviations

<u>AJP</u>	...	<u>American Journal of Philology.</u>
<u>BI</u>	...	<u>Bibliotheca Indica, Calcutta.</u>
<u>CHI</u>	...	<u>Cambridge History of India, Vol. I.</u>
<u>EI</u>	...	<u>Epigraphia Indica.</u>
<u>ERE</u>	...	<u>Encyclopaedia of Religion and Ethics, ed. James Hastings.</u>
<u>HDS</u>	...	<u>History of Dharmasāstra, Bhandarkar Oriental Research Institute, Poona.</u>
<u>HOS</u>	...	<u>Harvard Oriental Series, ed. Ch. R. Lanman.</u>
<u>IA</u>	...	<u>Indian Antiquary, Bombay.</u>
<u>IHQ</u>	...	<u>Indian Historical Quarterly, Calcutta.</u>
<u>JAHRS</u>	...	<u>Journal of the Andhra Historical Research Society, Rajamundry.</u>
<u>JAOS</u>	...	<u>Journal of the American Oriental Society, New Haven.</u>
<u>JBORS</u>	...	<u>Journal of the Bihar and Orissa Research Society, Patna.</u>
<u>JRAS</u>	...	<u>Journal of the Royal Asiatic Society of Great Britain and Ireland, London.</u>
<u>Kathās</u>	...	<u>Kathāsaritsāgara of Somadeva, trans. in English by Tawney, ed. Penzer.</u>
<u>PAPS</u>	...	<u>Proceedings of the American Philosophical Society.</u>
<u>SBE</u>	...	<u>Secred Books of the East, Oxford.</u>

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The dates of other Vedic literature are given by it thus :

The Brāhmaras ... 800 - 600 B.C.

Sūtra Literature ... 600 - 200 B.C.

The older Upanisads
like the Chāndogya

Upanisad ... Not later than 550 B.C.

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